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PROCEEDINGS

OF THE

MASSACHUSETTS HISTORICAL SOCIETY.

OCTOBER MEETING, 1912.

THE stated meeting was held on Thursday, the 10th instant, at three o'clock, P. M.; the PRESIDENT, Mr. ADAMS, in the chair.

The record of the last meeting was read and approved; and the Librarian reported the list of donors to the Library since the June meeting.

The Cabinet-Keeper reported the gift, by bequest of Mary Ripley Goodwin, of an engraving of Washington by Ormsby from a painting by Stuart, and an engraving of the Declaration of Independence by Huntington; and by the Misses Sarah and Joanna Williams, of Yonkers, New York, of the field-glass and watch of their great-great-grandfather, Major-General John Thomas.

The Corresponding Secretary reported the receipt of a letter from Malcolm Storer accepting his election as a Resident Member of the Society.

The Editor reported the gifts, by Mr. C. P. BOWDITCH, of papers on Young Men's Republican Parties, 1872-1880; by Dr. Loring W. Puffer, of a letter of Levi Woodbury, 1830; and by the Misses Sarah and Joanna Williams, of a regimental book belonging to Major-General Thomas, containing a list of officers and soldiers in the Canada expedition of 1759.

The Editor also mentioned the fact that it has been proposed to memorialize the General Court to begin the publication of the Massachusetts State Archives. In accordance with a vote of the Council recommending such action, it was voted that the

subject be referred back to the Council, with power to authorize the President to sign the memorial in behalf of the Society.

The Editor communicated a memoir of John Fiske, prepared by Mr. THAYER.

The PRESIDENT then read as follows:

COURSE OF HISTORICAL EVENTS.

The activities of another year having begun, once more it devolves upon me to greet the Society at the close of a vacation period. On the last similar occasion I ventured a novelty.¹ Besides referring to incidents of interest which had occurred since the June meeting especially connected with the Society, I went afield, so to speak, calling attention to occurrences of possible future general historical interest, which had elsewhere likewise chanced. Of these there were four: (1) the parliamentary revolution worked in Great Britain through the wresting of its legislative veto power from the House of Lords; (2) the practical birth of a new nationality of the English-speaking race on this continent through the action of the Dominion of Canada on President Taft's proposed mutual reciprocity enactments; (3) the prevailing world-wide industrial unrest, entering on a new and portentous phase in the general Union-labor strikes occurring in Great Britain, which had for a time threatened both to paralyze and to starve, if not revolutionize; and (4) the Morocco incident, so called, in the case of Germany confronted by the British-French alliance, pausing on the threshold of hostilities; thus revealing the existence of an underlying financial force of a controlling influence never before appreciated, but then first exerted on Berlin at a highly critical international juncture.

It is, I submit, somewhat suggestive of the rapidity of pace with which the world now moves that all the events then referred to have receded into what may not improperly be denominated the historic past. Though events of yesterday, they to-day savor of ancient history. Reviewing, in the same way, the period elapsed since the Society last met, I this year feel somewhat at a loss to specify anything therein occurring which, to my mind, is likely hereafter to leave what may be called a

¹ *Proceedings*, XLV. 9-15.

mark upon the page. Since June last, the world, of course, has moved; but the movement has not, so far as I am capable of now estimating the relative importance of events, been accompanied by any incident peculiarly dramatic in character, or which, as we to-day see things, is likely to be writ large in history. In Europe the complications between Italy and Turkey have seemed slowly to be drawing to a conclusion; but what that conclusion may involve is as much a mystery now as when I last alluded to another phase of the same topic in a paper read by me to the Society fifteen years ago.¹ I then quoted the confident prediction of Cotton Mather made in 1712 as to "the approaching *Fall of the Ottoman Empire*." It was on the 29th of May, 1453, that Mahomet II took Constantinople by storm, and the curtain fell on the last scene of the final act of that particular world-drama known as Roman Empire. Next May will witness the passage of 460 full years since that very memorable occurrence. The British East India dominion, a corresponding counter-movement, dates from 1612; and now, whatever may immediately occur, one thing is apparent, — there is a mighty seething of unrest — social, religious and political, deep-seated and irrepressible — at work in Europe, Africa and Asia. Of it the Morocco episode of a year ago and the Tripoli episode of this year were but symptoms and incidents. The final upheaval, whether in Constantinople, in Cairo or in Bombay, is yet to take place. History on the largest scale, will it be given to the youngest here to witness that *dénouement* which Cotton Mather fondly anticipated it would be given unto him to rejoice over just two centuries ago?

Meanwhile, we in this country have been engaged in the regular quadrennial political canvass, — one in some respects unique; but which does not, so far as yet appears, seem likely to be in any way epochal.

In this room, as is well understood, what is known as "politics" is, as a topic, avoided, — I might even say tabooed; and by "politics" I of course mean immediately agitating issues of a partisan political character. Nevertheless, even as respects them, a record at the time made up in a proper spirit is by no means without historical value. Select any political crisis one

¹ ² *Proceedings*, XII. 67-68. This was a favorite prophecy both of Increase and Cotton Mather. See Cotton Mather's *Diary*, index, under word *Turks*.

pleases, even, at hap-hazard, one of the presidential canvasses of the last century, it is always interesting, and not infrequently most instructive, to learn how it and the actors in it at the moment impressed a contemporary.

For instance, I have recently had occasion to review some historical notes and material in my possession, relating to events which occurred exactly fifty years ago, and to characters, now become historical, who conspicuously figured therein.

It was at that depressing period of our Civil War when the famous Proclamation of Emancipation was issued, — the period marked by the conflicts of Antietam and Gettysburg. The material consisted of extracts, which I had caused to be made from the London journals of the period, more especially from the *Times*, then, as the *Thunderer*, at the full height of its world-wide reputation. It was Francis Bacon who, dying, consigned his record and memory "to men's charitable speeches, to foreign nations, and to the next ages." He who in the succeeding century was referred to as "the wisest of mankind," thus classed "foreign nations" with "succeeding ages" as a tribunal qualified impartially to pass on the reputation of an actor in a period not yet remote. I propose for the edification of the Society on the present occasion to subject this canon, if it may so be called, of the great English philosopher to the test. It will, I apprehend, be a necessary conclusion that the verdict of posterity has not in the case cited confirmed the contemporaneous judgment of "foreign nations," while in that judgment charity of speech was conspicuously lacking. Here, for instance, is a contemporaneous estimate recorded in the columns of the London *Herald* of two American public men whose fame is not likely soon to pass into utter oblivion. The date was December 17, 1862, almost exactly fifty years ago:

Mr. Seward, we believe, is a man of some degree of ability. He would not pass muster among third-rate statesmen in England; he is not the equal of Sir G. Grey, much less of those to whom he is more usually compared — Mr. Cobden, Mr. W. E. Forster, or Mr. Bright. Still, he is not altogether without talent, and is not incapable of common sense. But none of his colleagues possess the smallest gleam of intelligence or political capacity; and, among them all, Mr. Salmon P. Chase, Secretary of the Treasury, is, perhaps, the most utterly ignorant and foolish. His financial ability is below

that of the dullest Whig underling that ever helped a blundering Chancellor to empty the Exchequer.

A few weeks after this estimate of Seward and Chase was put forth, Parliament assembled, and among its first debates was one upon what was known as "the American war." Of this debate the *Times* gave next morning an editorial résumé. Referring to the opinions therein expressed of the course of events in America between the firing on Sumter in April and the *Trent* affair in the following November, it said:

These, then, after a recess of six eventful months, are the conclusions to which statesmen of all parties have been brought. There is not one of them who believes that the restoration of the American Union, on the terms of its original Constitution, is a possible event. There is not one who believes that the forcible subjugation of the South is a possible alternative, though there is one who declares his opinion that such a conquest, if it were practicable, would only prove the political ruin of all America together. We arrive, then, at the one conclusion remaining, that a separation on peaceable terms and at the earliest moment is the result which the friends of America ought to desire.

I will now pass over a year, and upon May 22, 1863, I find this sentence in an editorial in the *London Morning Post*, currently reputed at that time to be the personal organ of Lord Palmerston, the Premier:

In the annals of human folly there is to be found no such example of unmitigated imbecility as that furnished by the conduct of those who for the past two years have affected to direct the destinies of the American nation. We believe we have now seen the last "Grand Army of the North."

Finally, let me read this from the issue of the *Times* for September 17, 1863, — two months, it will be noticed, after the battle of Gettysburg. It is from a highly characteristic "Thunderer" editorial, entitled "President Lincoln Described." The now historic character referred to was described as follows:

Among the many marvels and paradoxes of the American Revolution there is none greater than the part played by President Lincoln himself. That such a man should have been called upon to guide the destinies of a mighty nation during a grand historical crisis is surely

strange enough, but that he should have blundered and vacillated as he has, without for a moment losing confidence in himself, or altogether forfeiting that of his countrymen, is stranger still. . . . How any man in his sober senses could have sat down to compose such a rhapsody as this, or having composed it, could have read it over with gravity and ordered it to be printed, passes our comprehension.¹ It is something between a prophecy and an oracular response, with a dash of Yankee slang and terms of expression which remind us alternately of Ossian, of the incoherent utterances of the Maori Chiefs, and of school-boy translations of corrupt choruses in Greek tragedies. Cromwell never spoke and Mr. Carlyle never wrote anything so hopelessly obscure, and the persons, if there be any such, to whom such a jargon can appear impressive or even intelligible must have faculties and tastes of which we can form no idea. One is really tempted to think that Mr. Lincoln cannot have been himself when he penned so grotesque a production.

Now I confidently submit that these extracts from the leading organs of English opinion fifty years ago have a distinct historical value. Read through a half-century vista, they not only inculcate a lesson of modesty, but they also illustrate to a singular degree the extreme danger which accompanies all political and other vaticination in these uninspired times. Furthermore, they throw a gleam of lurid light on the now almost inconceivable condition of public thought then prevailing in English upper-class circles, a condition in which extreme dislike and insolent contempt gave expression to dense ignorance. They none the less afford an instructive bit of pen-and-ink contemporaneous portraiture.

In much the same way, I submit that a photographic record of

¹ The "rhapsody" here referred to was Lincoln's letter to the people of Illinois, of August 26, 1863. Quoting it almost in full in their *Life of Lincoln* (III. 380-389) Nicolay and Hay pass upon it the following judgment, from which the investigator of a century hence will probably see no occasion to dissent: "Among all the state papers of Mr. Lincoln from his nomination to his death this letter is unique. It may be called his last stump-speech, the only one made during his Presidency. We find in it all the qualities that made him in Illinois the incomparable political leader of his party for a generation. There is the same close, unerring logic, the same innate perception of political conduct, the same wit and sarcasm, the same touch of picturesque eloquence, which abounded in his earlier and more careless oratory, but all wonderfully heightened, strengthened, and chastened by a sense of immense responsibility. . . . The style of this letter is as remarkable as its matter; each sentence, like a trained athlete, is divested of every superfluous word and syllable, yet nowhere is there a word lacking, any more than a word too much."

a presidential canvass, even such as is now going on, provided always it is made in a purely observant and non-partisan spirit, is by no means devoid of historical value as well as interest, enabling, as it does, a later generation to compare actual results with those at the time contemplated as possible. All depends on the spirit and the way in which the thing is done. Cynical, it may be; but it must not be partisan.

Of course, it is not thinkable that in dealing with the political canvass now in progress reference should in this room be made to President Taft or Governor Wilson or ex-President Roosevelt, in the style and temper indulged in by the London journals as respects Lincoln, Seward and Chase half a century ago. Such utterances would here be utterly out of place, and are not for a moment suggested as possible.

Viewed, however, in another way, and in a purely observant and philosophic spirit, I think it will be agreed that the canvass now in progress, although perhaps not momentous, is in some respects peculiar. For instance, though personally I have a vivid recollection of some sixteen presidential elections occurring within the life so far allotted me, I hardly remember one conducted with so little passion or such an absence of exaggeration in speech as the present canvass, except perhaps in the case of one prominent participant. My earlier distinct recollection goes back to the election of 1848. The four succeeding quadrennials, with the exception of that of 1852, were conducted in the heated atmosphere of the slavery discussion preceding the War of Secession. Lurid, they stand by themselves; and it is a pleasure to feel now that they do stand by themselves! Neither in magnitude of the issues involved nor intensity of feeling are conditions now prevailing in any way comparable with the conditions which then existed; for, paradoxical as the opinion may sound, the distinguishing peculiarity of the present pronounced "Progressive" canvass is, so far as I am competent to judge, its markedly reactionary character. As to issues supposed to be at stake and involving principles, I should say that there are none; for, if what are known as the "platforms" of the different organizations are examined, there is among them a striking similarity. Termed "Progressive," they seem inspired by a spirit of unrest, both industrial and social; and party organizations vie with each other in their

efforts to conciliate that spirit. It is once more the case of Codlin and Short in Dickens' story! As an illustration of this reactionary tendency, take the matter of political campaign expenditure. As is perfectly well known, the elections of some preceding years, especially those of 1900 and 1904, were marked by a peculiar and somewhat reckless use of money, largely contributed by private interests supposed to be more or less interested financially in results; while those in corporate charge seemed to feel at liberty to contribute in greater or less degree to the bringing about of political action by a free use of corporate funds.

The inevitable followed; and it needed little knowledge of human nature and political movement, especially of American human nature and American political movement, to realize that such a condition of affairs must be followed by a reaction, and that the reaction would correspond in extent somewhat to the magnitude of the abuse, — and it was very great! It has so resulted; and, as compared with the immediately preceding presidential elections, the distinguishing feature of that now in progress is the absence of a wasteful expenditure of contributed funds, resulting in a significant diminution of that fictitious enthusiasm always thereby worked up. There is, in fact, so far as the outward observer can see, a singular absence of that tumult and shouting — the meetings by day and processions by night, the illuminations and the detonations — which were such marked characteristics of preceding quadrennials. In the present case, as the contest drags its slow length along, it seems as though the community realized in a vague but rather indifferent way the magnitude of certain constitutional issues involved. Nevertheless, if I might venture to characterize mental conditions, I should say that a noticeable spirit of irresponsibility prevailed — a sort of happy-go-lucky feeling, if I may so describe it — a conviction that whatever turn things may take the world will get along somehow, and that the future will not greatly differ from the present or the past.

And yet, to a certain extent, neither the tone of discussion nor the outlook can be said to be reassuring. The leading characteristic would seem to be, as I have already intimated, unrest, — a deep-seated unrest. The very foundations of our social

and industrial as well as of our political creed are questioned. Take, for instance, such a matter as the independent judiciary. Looked at in a large way and in a purely historic spirit, it is safe to assert that the Anglo-Saxon contest over the judicial system — that is, the fearless and impartial administration of the law — has now been in progress for, say, three centuries and a half, or since the reign of Elizabeth, certainly since the time of the first Stuart. The issue in one of its phases was a very living one, memorable in history, and continuous throughout the seventeenth century. Beginning with the days of Coke and lasting to those of Holt, it presented episodes which have left deep imprints on the page of our history, — the Royal Prerogative, Ship-money, the trial of the seven Bishops, and the career of Chief Justice Jeffreys. Not until after the troubled waters had subsided, was the independence of the judiciary at last fully established. This was by the Act of Settlement of 1689, providing thereafter a judicial tenure during good behavior in place of that which had theretofore immemorially obtained, a tenure terminable at the will of the Sovereign, — what might in the terminology of the day be denominated the Crown-Recall. The fixity of judicial tenure was thereafter assumed, and became, as it were, an accepted cardinal principle of constitutional government. As such, a hundred years later it was formally incorporated in the American fundamental law. Accepted as a political truth — a species of constitutional axiom — it there remained embedded for a century. Nevertheless, to-day even the fixity of the tenure, and the consequent independence, of the judiciary is questioned, and the power of removal, it is claimed, which was by a hundred years of effort wrested from the Crown, is about to be placed in the hands of the political majority. It is gravely insisted that while the King, as experience showed, could, contrary to the fundamental maxim, do wrong, and do it through the instrumentality of the courts, the People can be depended upon by no possibility so to err; and it is safe, therefore, to make of it the final court of legal appeal, placing in the hands of the popular majority for the time being that power which, as the outcome of a century's effort, was wrested from the King. Seriously advanced, this theory is apparently making popular headway. Already incorporated as a fundamental article of political right in the most

recently revised of our State Constitutions, it is proclaimed of universal application.

I cite this merely as an example of that spirit of unrest to which I have alluded as generally prevailing. Other examples at once suggest themselves. For instance, only within a few days, while discussing these and kindred matters, in a purely philosophical way, with our Associate Honorary Member, Mr. Bryce, he put to me the question whether there was a single proposition regarded as indisputably settled by the political economists of fifty years or a century ago — by men like Adam Smith, Malthus, Ricardo and John Stuart Mill—not now fallen into discredit, and, when not disregarded, openly questioned. The study of what not long ago was treated as a science was falling into noticeable disuse. For instance, the whole system inaugurated by Adam Smith was founded on individualism, competition and freedom from restraint. Yet in the political discussion now most commonly heard, each one of these fundamental principles is challenged. In place thereof governmental regulation is treated as a necessity; collectivism is advocated; and the functions formerly, under our system of government, left either free from regulation or subject to regulation in the least possible degree, are now looked upon as necessary governmental attributes. Labor, wages, tenure of employment, and freedom of contract, are matters of constant statute regulation.

It is the same as respects sovereignty. Heretofore, under our American constitutional system, one of the accepted functions of the law was to protect the rights of minorities, as they were called. Appeal was always to be made to the sober second thought. The tendency is now exactly the other way. The argument is that delay in reaching political conclusions is useless, if not unreasonable; and the tendency indisputably is to get back to what is best known, historically, as the system of Athenian democracy, — that is, the most speedy and direct recourse possible to the popular vote; and the result of that vote should be final upon all questions, whether political, financial, economic, or even judicial. This tendency is certainly revolutionary. Not that I would for a moment be thought to imply that, being revolutionary, it is necessarily bad or in the end harmful. The experience of the

last century, in what is known as the French Revolution, was on that point conclusive. It used to be said that the ways of Providence were past finding out. We to-day express it differently and far more euphemistically when we philosophically observe that the process of evolution is not at once apparent.

In thus calling attention to phases characteristic of the political canvass now in progress, no spirit of the partisan is evinced. The effort has been to look at them and it with an eye purely observing and philosophical. Immediate results may be unpleasant, and in many respects trying. It certainly was so in the process we ourselves passed through half a century ago. Nevertheless, the outcome may well be worth all it may cost. It is our function here merely to call attention to facts, in no way indulging in prophecy, least of all in jeremiads and lamentations. The philosopher of history maintains always Wordsworth's "cheerful confidence in things to come."

It only remains for me to make the usual reference to events more directly affecting our membership which have occurred during our vacation period. We see here to-day the Dean of the Society, and our Librarian through more than forty years, occupying as unexpectedly to himself as to us his accustomed seat. It is needless for me to say that the recovery of Dr. Green, though at his years necessarily partial, has been a matter of gratification as well as of surprise to his associates here as to himself. That the recovery should have been so considerable would have been thought impossible both to him and by us when we separated in June; much less would we then have anticipated seeing him here now.

During the interval one death only has chanced, — a death which we all concur in lamenting, though, in no way unexpected, it came in the ripeness of time. I think it is safe, however, to say that Professor Goodwin was held in general and high esteem by all the members of this Society who could claim personal knowledge of him; for Professor Goodwin belonged to a generation that is gone. He had survived nearly all his associates.

I shall presently call upon others for the tributes usual on

announcements such as that just made. Before so doing, however, I shall refer in a general way to our late associate's connection with this Society. Elected a Resident Member at the October meeting, 1886 — twenty-six years ago — the name of Professor Goodwin, at the time of his death, stood fifteenth on our Resident roll. A man of fifty-five when chosen, he was yet a constant attendant at our meetings, and took a pronounced and lively interest in the affairs of the Society. A fruitful contributor to our *Proceedings*, few who took part in our meetings spoke in a more authoritative way on the topics to which he confined himself. There was about Professor Goodwin something essentially lovable. Born in Concord, and more especially identified with Plymouth and the Old Colony, he looked at events and personages in a kindly way and from a somewhat humorous point of view. Neither aggressive nor a controversialist, he was, nevertheless, a man of decided convictions; and these he never failed to advance in a way peculiarly his own. Elected in 1886, his contributions began the following year, when he presented the records of the "Old Colony Club." At the next meeting, also, he exhibited the Diary of Josiah Cotton of Plymouth. At the annual election of April, 1888, he was made a member of the Council, and served upon it until April, 1891. Subsequently he was on the Committee to nominate officers, and drew up the report of the Council on his retirement from it. Chosen Corresponding Secretary in April, 1894, he filled that office until April, 1896. In November, 1894, he filed a memoir of his honored colleague, Prof. Henry W. Torrey, and in February, 1896, he paid a tribute to our associate Martin Brimmer; as, the following year, he also did to Justin Winsor, and in November, 1899, John C. Ropes. Personally I especially recall the very interesting and learned contributions he made in 1903, following papers of my own on the battles of Marathon and Salamis. Finally, and most appropriately, one of his last contributions was his personal reminiscences of Longfellow. During Professor Goodwin's membership 238 meetings of the Society were held; of these, he was present at just 100.

Personally I have known and maintained most friendly and kindly relations with Professor Goodwin through more years than I can remember; for, though he was not a preceptor at

Harvard during my own college days, my acquaintance with him began at a period earlier than I can now recall. In fact, I hardly remember the time when acquaintance between us did not exist; and that acquaintance was marked by no single discordant feature. But, both personally and in connection with the College, others can speak of Professor Goodwin more effectively than I. Two such are here to-day, — one, our Dean, Dr. Green, who, sitting side by side with Professor Goodwin throughout his college life, has since been intimate with him; the other is President-Emeritus Eliot, associated with Professor Goodwin in the Faculty of the University through the lifetime of a generation and until the latter voluntarily withdrew.

I now, therefore, call upon Dr. Green to speak of his college classmate and his and our associate here.

Dr. GREEN spoke as follows:

I regret exceedingly that I am not able physically — and perhaps not mentally — to pay a worthy tribute to my lifelong friend, Professor Goodwin. A long absence from these rooms of more than five months, mostly in a hospital as the result of an accident, has rendered me unable to express my thoughts fittingly of a classmate endeared by a friendship lasting through many years.

Professor Goodwin was chosen a member of the Historical Society on October 14, 1886, and at that time had a wide reputation as a classical student and was well known both in this country and in England. In every sense of the word he was a scholar; and all his tastes from college days were connected with critical learning. In college at the time of graduation he stood as the second scholar in rank. After his collegiate course he remained at Cambridge for two years as a Resident Graduate teaching private pupils. In the summer of 1853 he sailed for Europe in order to study classical philology in some of the universities of Germany. He studied first at the University of Göttingen, where he remained until the next spring, when he went to Bonn for the summer term. The following winter he passed at Berlin; it was there that I saw a good deal of him and other American students.

Among them was Alexander W. Thayer, a graduate of Harvard in the Class of 1843, who was then at work on his *magnum*

opus, the *Life of Beethoven*, which is now a monument to the author's accuracy and research. This work was published first in Germany and later in this country.

Another American student in Berlin at that time was William F. Allen (H. C., 1851), who afterward was chosen a Corresponding Member of this Society. Allen, like Goodwin, was an excellent classical scholar, and they were both warm friends as well as classmates. I remember, too, that while in Berlin, in collaboration they were engaged at one time in writing a criticism of Dr. Wm. Smith's *Dictionary of Greek and Roman Geography*, then recently published. This article was sent to Boston and appeared later in the *North American Review*, for July, 1855. It showed a very thorough knowledge of the investigations and discoveries up to that time upon the subject, and attracted considerable attention in the literary world. When Allen died in December, 1889, Professor Haynes paid a tribute to his memory which is printed in the *Proceedings*¹ of this Society; and in his remarks he refers particularly to this paper written by Allen and Goodwin, which he calls "a striking article," and displaying great research. He mentions certain corrections delicately made in this review of a fault to which English scholars were somewhat prone.

Professor Goodwin's earliest publication, which attracted considerable attention, was *An Elementary Greek Grammar*. "The book most commonly in use in this part of the country was more than twenty years old, and consequently bore no trace of many important investigations and discoveries made in this generation in Germany and in this country." This work of Professor Goodwin, in compass of a little more than two hundred pages, gave all that was necessary for the student in his first three or four years study of the Greek language. It brought the author a reputation among classical scholars, both here and in England, as a man of wide learning, and was readily adopted in many elementary schools in both countries.

Within a few months this Society has lost three prominent members, and they all were old friends of mine. First, Haynes, on February 16, then Hall, on February 22, and now, lastly, Goodwin, on June 16. An intimate acquaintance with them all from early manhood and lasting for more than sixty-five

¹ 2 *Proceedings*, v. 152.

years made their loss to me a personal one, far greater than mere membership in a body associated together for historical purposes. These men, all members of the Class of 1851, have been taken from the living, and now only three remain as survivors. Thus one-half of the class has disappeared in the short space of four months. In one of the divisions of the class during the second term of the Freshman year we four sat in Sophocles' room arranged alphabetically on the benches, almost touching one another shoulder to shoulder, and I sat next to Goodwin.

I remember, too, how in after life I used to chaff Goodwin occasionally, at some of our class gatherings and tell him how I used to prompt him in the Greek recitation room. He never seemed to appreciate the joke, for apparently he thought I was in earnest. All the fellows present could see the absurdity of it, as Goodwin had more knowledge of Greek in his little finger than I had in my whole cranium.

Goodwin always gave his uncle, Benjamin Marston Watson, credit for teaching him the beauties of Greek. In a tribute paid to his memory before this Society he said: "and for all my early knowledge of this language, and indeed for the first intimation that there was anything in it which it was worth while for a New England boy to know, I was indebted to my uncle, with whom I was brought up as a younger brother."¹

President ELIOT then read the following characterization:

William Watson Goodwin got his early love of the Greek language and literature from two maternal uncles in Plymouth, and later in Harvard College between 1847 and 1853 from Professor Cornelius Conway Felton and Tutor Evangelinus Apostolides Sophocles, who furthered with hearty appreciation his own inheritances and acquirements. At that time Greek was required of all undergraduates till the end of the sophomore year, and was an elective study in the junior and senior years. The Greek required for admission to the freshman class was Felton's *Greek Reader* and Sophocles's *Greek Grammar*, no other books being allowed in substitution for these two. Goodwin always maintained that the selection of Greek prose and poetry in Felton's *Reader* was a very judicious one, and that

¹ 2 *Proceedings*, x. 468.

he personally owed much to the wisdom of that selection. The choice of Greek authors, which the four-years course in college then covered, was fairly comprehensive and varied, — namely, the *Panegyricus* of Isocrates, Felton's *Selections from Greek Historians*, plays by Aristophanes, Sophocles and Aeschylus, and selections from Plato, Aeschines and Demosthenes. Kühner's and Buttmann's Greek Grammars were in use, in addition to that of Sophocles.

Having taken at Harvard the Bachelor's degree in 1851, Goodwin spent two years in Cambridge as a resident graduate, in pleasant company with his contemporaries and life-long friends Ephraim Whitman Gurney and Henry Williamson Haynes, all three being devoted to classical and historical studies. At this period he took a few private pupils, but his time was chiefly devoted to his own studies. With this equipment and a genuine enthusiasm for all things Greek, Goodwin went in 1853 to Germany, where he studied at Göttingen, Berlin, and Bonn, taking his Doctor's degree at Göttingen in 1855. While in Germany he mastered the German language, greatly extended his knowledge of the Greek language and literature, and began to devote himself to Greek grammar. He also gained the friendship of several German and English students of Greek of about his own age, and the hearty admiration and good-will of his teachers, and of other eminent German scholars to whom he had been introduced by Professor Charles Beck of Harvard.

In 1856 he was appointed Tutor in Greek and Latin in Harvard College, a title which he was glad to have changed, in the second term of 1857-58, to Tutor in Greek; for he did not care to teach Latin. When Goodwin became a Tutor in 1856, I had already been a Tutor in mathematics and a member of the Faculty for two years; but he was my senior by nearly three years, and had been thoroughly trained for his tutorship and for the profession of the scholar. I looked up to him accordingly. At that time he was the only tutor, or junior instructor, in Harvard College who had been thoroughly prepared for the career of a college teacher; and it may be doubted whether in the long list of tutors who subsequently held office in Harvard College as President or Professor, beginning with Urian Oakes, A. B. 1649, Tutor 1650-1653, and twenty-five years later President for six years, there is a single American

who at the time of his appointment as tutor had received so adequate a training at home and abroad in the subject he was to teach as Goodwin had received. He was an exact scholar himself, and had no respect for inaccurate, vague, parasitic discourse on or about great authors. He wished every man who called himself a scholar, whether young or old, to be accurate, clear and thorough; then he might be as ingenious, brilliant, romantic, and poetic as his nature permitted. His coming into the Faculty was a reinforcement for the evolutionary party in that body, then gathering force.

On Goodwin's advent there immediately appeared in the four-years course in Greek offered by Harvard College some new classical authors and modern Greek. Among the new texts was the *Politics* of Aristotle, a selection to which Goodwin frequently recurred during his career as a teacher. Soon selections from Plato made occasional appearance in the list of Greek courses, and from time to time Thucydides was given a large place. In the last years of Professor Goodwin's teaching Plato and Aristotle were his favorite subjects.

Goodwin's main desires, on his entrance into the College Faculty, were, first, to make the required courses in Greek during the first two years of the college course more acceptable and interesting; and secondly, to develop through the elective courses of the last two years a few really good Greek scholars, who had read many Greek authors, written Greek, and come to understand the influence of the Greek literature upon the other literatures of Europe. He also was from the beginning keenly interested in grammatical studies, and tried to impart this interest to his classes. His earliest published works were *The Syntax of the Greek Moods and Tenses* and his *Greek Grammar*; and both these books came rapidly into use, not only in the United States but in England. As a teacher, he was interested first in the language and style of the author in hand, and secondly in the author's reasoning or thinking process, provided that he felt sure he knew what the author meant to say. In the classroom he more frequently called the students' attention to the clearness or obscurity of the author's style, or to the author's phraseology, or idioms, or habitual constructions, than to the literary beauty or philosophical excellence of the narrative, drama or essay in hand. He was not himself ad-

dicted to philosophical or political reading in general; although his mind was permeated with Greek philosophy and politics. As a member of the Faculty his leading motive was the development in Harvard University of genuine scholarship, first in the Classics, of course, but also in every worthy subject.

His *Moods and Tenses* and his *Grammar* are distinguished by an extraordinary clearness of statement, even when the groups of facts he is studying are themselves somewhat obscure. This quality was the sound reason for the permanent success of his early writings as school and college text-books. It is noticeable that Goodwin's *Moods and Tenses* — the most remarkable of his works — was published in 1860, when he was only twenty-nine years old, and the first edition of his *Greek Grammar* in 1870, when he was thirty-nine. His was a strong case of the early determination of a life-career, under the guidance of a natural taste or bent, and of early distinction in the career so selected. He revised these two books with adequate frequency, and they carried his name all over the civilized world. A few years ago a committee consisting of Canadian professional and business men, charged to prepare a new constitution for the University of Toronto, visited Cambridge to inquire into the organization of Harvard University. After a long conversation with the committee in my office, I started with them from University Hall to point out some of Harvard's characteristic buildings and equipments. On our way across the College Yard from University Hall to Phillips Brooks House I saluted Professor Goodwin, who was walking rapidly on the same path toward University. The gentleman with whom I was walking said to me, "Who was that fine-looking old gentleman we just met?" I replied, "Professor William W. Goodwin." He started, and exclaimed, "Not Goodwin's *Moods and Tenses*?" "Yes," said I, "the same;" whereupon he announced loudly to his comrades behind him, "That old man with the fresh complexion and white hair is Goodwin's *Moods and Tenses and Greek Grammar*," — whereat they all turned round, and took off their hats toward Professor Goodwin's back.

In 1860, when Professor Felton became President of Harvard, Goodwin succeeded Felton as Eliot Professor of Greek Literature, being then twenty-nine years of age. This appointment came to him in the pleasantest possible manner, on the

cordial recommendation of President Felton, and with the warm approval of all his contemporaries in the College service. It satisfied his professional hopes and expectations, and made his life-career clear before him. Within four years he married, and moved into the house on Follen Street in which he died last June, at the age of eighty-one.

In 1866-67 opportunity came to Goodwin to contribute largely to the development of advanced instruction in Harvard College; and he seized upon it with eagerness. An inquiry into the existing programme of studies in Harvard College having been set on foot by the Corporation, the Faculty, at that time consisting of only twenty-one persons, was soon engaged in a thorough overhauling of the selection, arrangement, and distribution of the required, elective, and extra studies for undergraduates. Goodwin was an active member of the small liberal majority in the Faculty; and he used every influence at his command to give effect to the liberal programme. The result was a new announcement in the Catalogue of 1867-68 on the subject of elective and extra studies. The freshman class became the only class all of whose studies were required. The required studies of the sophomore class were reduced to seven hours a week; and elective studies covering six hours a week were permitted to every sophomore. The required studies of the junior class and those of the senior class were reduced to five hours a week in each of the two years; and a junior or a senior might take nine hours a week of elective work. Moreover, it was announced that special honors would be assigned at graduation for distinction in the elective departments. Here was the starting-point of the second development of the elective system in Harvard College (the first took place under President Quincy, 1829-1845) and of the system of honors at graduation, a system which had a strong effect on the mode of developing the elective system between 1867 and 1909, and showed the way to the modification of the elective system, in the direction of compulsory concentration, which has taken place within the last two years. Goodwin always looked back with great satisfaction to his successful advocacy of these changes in the policy of the College, and he had good reason so to do. Three other life-long servants of Harvard College shared his labors on this subject and his satisfaction with the results, — namely, Assist-

ant Professors Gurney and Peirce and Tutor Greenough. In urging the change, Goodwin was in the habit of stating that three old Professors, under the system in vogue in 1866, occupied three-quarters of the Senior year with their elementary required courses, and therefore blocked the way of students competent for advanced work in other subjects. These three Professors were Messrs. Andrew P. Peabody, Bowen, and Torrey, all old friends and admirers of Goodwin. The statement was only slightly exaggerated. Moreover, Goodwin's own temperament, as became a Greek scholar, was distinctly conservative. Yet his zeal for advanced scholarship in America overcame all inducements to maintain the programme of required studies, and made him a leader among the liberals.

In later years Goodwin gave two other striking illustrations of the way his liberalism could triumph over his conservatism. When the so-called "Annex" was making its feeble beginning in Cambridge, Goodwin accepted as a pupil a young woman who had remarkable capacity and enthusiasm for the study of Greek. Her noteworthy success under his tuition, and the zeal of his friends Mr. and Mrs. E. W. Gurney and Professor James B. Greenough in the new undertaking interested him in the whole problem of the higher education of women; and he became a firm supporter of "The Annex" — subsequently Radcliffe College — and year after year served as teacher to a small class of young women who wished to pursue advanced studies in Greek. Thus his love of good scholarship, and his wish to help all aspirants for the scholar's life, drew him into a new undertaking to which his inherited instincts would not have directed him.

As a member of the College Faculty, Goodwin never liked the class of irregular students called "unmatriculated" or "special." He preferred the regular student, following the beaten track through school and college toward the degree of Bachelor of Arts. A special student was, in his view, an undesirable member of the University on whom no pains should be wasted. In the year 1879-80 Goodwin was disagreeably surprised to find in his class in Plato and Aristotle a mature young Scotchman who was classified as an unmatriculated student. This student, however, proved to be the most successful and interesting student in the class; whereupon, toward

the close of the year, Goodwin introduced a motion into the Faculty (to the intense surprise of that body) to the effect that George A. Gordon, unmatriculated student, be admitted to the next Senior class without examination; and in advocating his motion he remarked that it was an outrage that such a scholar as Gordon should be classified as an unmatriculated student. The motion prevailed; and George A. Gordon, now pastor of the Old South Church and a Harvard Overseer, became a Harvard Bachelor of Arts in 1881. Thus Goodwin again showed himself capable of abandoning temporarily, for good cause, a policy or line of action in which he had long firmly believed.

Goodwin's strong conservatism and local attachment were manifested in his choice of a summer residence and his mode of life there. He was brought up in Plymouth; and his mother belonged to the Watson family, part of which lived on Clark's Island. There Goodwin built a house for the summer. Plymouth Harbor is full of flats at low tide; winds die down there towards sundown, as all along the New England coast; and the channel from Clark's Island to the Plymouth landing is crooked and shifting, so that a small sail-boat was an uncertain conveyance for freight and passengers to Goodwin's house, even if the steersman had the knowledge of the channel and its tides and the skill as a boatman which Goodwin possessed. Nevertheless, Goodwin persisted in using a sail-boat as his means of communication with Plymouth years after gasoline launches had come into use. Only in the last year of his residence at Clark's Island did he consent to acquire a motor-boat; but when he got it, he enjoyed with real open-mindedness its speed, small draught, and independence of wind.

Goodwin's attainments and his influence as a Greek scholar were recognized by many universities in the United States, England, and Germany, and by many philological societies. In 1882-83 he served as the first Director of the American School of Classical Studies at Athens, and greatly enjoyed the year in the capital of Greece. He particularly enjoyed friendly intercourse with the Prime Minister Tricoupis and other cultivated persons at the capital, both Greeks and foreigners, who were thoroughly acquainted with Greek literature and history, and hoped for a revival of Greek influence in the world.

Goodwin was twice happily married, and had a home life of rare sweetness and dignity. By his first wife he had two sons, one of whom died in infancy, and the other died young, but lived long enough to show, as a student in Harvard College, that he possessed many of his father's scholarly qualities. The father commemorated the son by founding in Harvard University the Charles Haven Goodwin Scholarship with an income of three hundred and fifty dollars a year, the beneficiary to be a student of the Classics in the Senior Class or the Graduate School, and to be nominated by the Department of Classics.

Goodwin was of Pilgrim ancestry and the son of a Unitarian minister; so he was naturally a liberal in religion. Like Emerson, he believed in church-going, and always supported by his attendance and sincere interest the religious services in the Chapel of Harvard College, both while they were required of all students, and afterward, when attendance was made voluntary. Some years after his retirement, which took place in 1901, Sunday morning services were resumed in Appleton Chapel, instead of the evening services which had been conducted there for many years. Thereupon Goodwin returned from the First Church of Cambridge to the College Chapel. He always remained true to the simple faith in which he had been brought up, and to the belief that religious training is an indispensable part of sound education.

Healthy, genial and serene in aspect, simple in all his habits, kindly but with keen appreciation of the comical side of serious personages and grave events, modest about his own achievements, sincere in his frequent confessions of ignorance, fond of the solid fact and distrustful of subtlety and speculation, restrained in exposition and criticism, a master of the Greek language and of the English, he was a model of the vigorous, high-minded, happy scholar. For more than forty years he was exemplar, adviser, and friend to American students of the Classics. They testify strongly to the wholesomeness and durability of his influence as a scholar and a man. He did enduring work for human culture, and for the honor and stability of the College he intensely loved; and he enjoyed to the full the satisfactions which are the reward of loving and loyal service.

Mr. C. F. ADAMS read by title a paper on

THE NEGOTIATION OF 1861 RELATING TO THE DECLARATION
OF PARIS OF 1856.

The period between April 13, 1861, when Fort Sumter fell, and July 21, following, which witnessed the Bull Run catastrophe — a period of exactly one hundred days — constituted the first distinctive stage of our Civil War. Formative, during it the loyal portion of the Union was, so to speak, finding itself. In an excited and altogether abnormal condition morally, it was unreasoning, unreasonable and curiously illogical. As an interval of time, therefore, the period referred to stands by itself, to be treated separately from that which preceded or that which was to follow. Before April 13th and up to that day — strange as the assertion now sounds — the historic fact is that the country, taken as a whole, had no realizing sense of the impending. Though anxiety was great and continually increasing, it was still generally believed that, somehow or in some way, providential if not otherwise, an actual appeal to arms and a consequent internecine struggle would not take place. Too dreadful calmly to contemplate, it could not, and consequently would not, occur.¹ The firing on Fort Sumter dispelled this illusion, and an entire community at last realized the grim, hard facts of a situation truly appalling. Then, so far as the part of the country loyal to the Union was concerned, there ensued the hundred days referred to, — days of artificial excitement and self-delusion. Fired by patriotism and literally drunk with enthusiasm, the North indulged in a most exaggerated self-confidence, combined with an altogether undue depreciation of its opponent. The conflict was to be short, sharp and decisive. A military walk-over was confidently anticipated; the so-called Confederacy was to be obliterated by one wild rush. The cry of "On to Richmond," first raised by Horace Greeley in the *New York Tribune*, soon became general and irresistible. But the delusion was not confined to the unthinking or less well-informed.

¹ "Neither party appeared to be apprehensive of or to realize the gathering storm. There was a general belief, indulged in by most persons, that an adjustment would in some way be brought about, without any extensive resort to extreme measures. . . . Until blood was spilled there was hope of conciliation." Welles, *Diary*, I. 10, 12, 35, 172, 355-356.

Shared to an almost equal extent by those in official position, it was reflected in their attitude and stands recorded in their utterances. This was peculiarly apparent in the management of our foreign relations through the State Department, of which Mr. Seward was the head. The awakening — and it was a terribly rude one — came on the 21st of July, at Bull Run; and from that day the struggle entered on a wholly new phase. The community, at first panic-stricken, then soon sobered. The strength and fighting capacity of the Confederacy had been unmistakably demonstrated; and, the first artificial flush of enthusiasm dispelled, the country addressed itself in a wholly new spirit to the supreme effort to which it at last realized it was summoned. The magnitude and consequent uncertainty of the struggle were realized.

In the course of a somewhat elaborate historical study my attention has recently been drawn to an altogether forgotten diplomatic episode which occurred in that stage of initial crystallization, and to it I propose to devote this paper. As an incident in a most critical period, what I have to describe will, I think, prove not without interest; and, at the time, it was, as I now view it, of a possible importance appreciated neither then nor since.

I recently received a letter from our associate, Mr. Frederic Bancroft, author of the *Life of Seward*, in which, referring to an allusion of mine, he said: "Unless you have taken stand directly against your father and your brother Henry's essay in regard to Seward's and your father's attitude toward the attempted accession of the United States, in 1861, to the declaration of Paris of 1856, I very much wish to argue the point with you, orally, of course."

The allusion recalled the fact, which I had quite forgotten, that Mr. Henry Adams had prepared such a paper as Mr. Bancroft referred to,¹ and, moreover, that I had myself nearly twenty years ago made large use of it in writing chapter XII entitled "The Treaty of Paris," in the *Life of C. F. Adams*, in the *American Statesman Series*. Mr. Bancroft had subsequently gone over the same ground, but I could not recall the conclusions he had reached. In fact, the whole subject had passed completely out of my memory. I accordingly once more reverted

¹ *Historical Essays*, 237-289.

to it, carefully re-reading Mr. Henry Adams's paper, the chapter (xxxix) relating to the episode in Mr. Bancroft's *Seward*, and finally my own effort of a score of years since. The general historians had not apparently deemed the incident worthy even of passing notice. In this, as will presently be seen, I do not concur.

As usual, the more thoroughly I now studied the records, the more important, involved, and suggestive the episode became. Above all, I was amazed and mortified at the superficial character of my own previous treatment; for I now found myself compelled to most unwelcome conclusions, not only different from those I had previously set forth, but altogether at variance with those reached by Mr. Henry Adams in his carefully prepared study. Though peculiarly well-informed as to the facts, having himself been practically at the time concerned in what occurred, I now found reason to conclude he had written from the point of view of an active and interested participant; and since he published his paper fresh material had come to light. I so wrote at much length to Mr. Bancroft, with whose subsequently prepared narrative and conclusions I now find myself in more general, though not in complete, accord. That letter to Mr. Bancroft supplies the basis of what I here submit. In submitting it, however, I wish to premise that in it no regard has been paid to the literary aspect, nor can it even be considered a finished historical study. Rather in the nature of a compendium or syllabus, into it I have put a mass of somewhat heterogeneous matter with a view to making the same more accessible in future to myself, as well as other investigators of a highly interesting historical period. I regard the result, therefore, largely as raw material, in the accumulation and presenting of which I have to acknowledge much and efficient assistance received from our Editor.

For an intelligent comprehension of what is to follow in its far-reaching significance and somewhat dramatic interest, it is, however, necessary to go pretty far back, — so to speak, to begin at the beginning. Attention has already been called to the date of the bombardment and fall of Fort Sumter, — April 13, 1861. Events then followed rapidly. Sumter was surrendered on Saturday, and the papers of the following

Monday, the 15th, contained the proclamation of the President calling for troops, and summoning Congress to meet July 4th in extra session.¹ Two days later, the 17th, Jefferson Davis responded from Montgomery by declaring the intention of the Confederacy immediately to issue letters of marque, authorizing depredations by privateers on the ships and commerce of the loyal States.² On the 19th, the Friday of the week following the fall of Sumter, President Lincoln issued yet another proclamation announcing a blockade of the ports of all the seceding States. In this proclamation it was stated that the blockade was to be conducted "in pursuance of the laws of the United States and of the law of nations in such case provided"; and, finally, to meet the threatened retaliation through privateers, and privateering, it was added "that if any person under the pretended authority of such [Confederate] States . . . shall molest a vessel of the United States, or the persons or cargo on board of her, such person will be held amenable to the laws of the United States for the prevention and punishment of piracy."³ Two international issues were thus presented and brought to the front within the first week following the fall of Sumter. They were the issues of belligerency in case of a blockade of the first magnitude, proclaimed to be enforced "in pursuance of the law of nations," and the logically consequent issue naturally involved in what is known as privateering. Five days later, on April 24th, a circular addressed to the representatives of the United States in all the principal capitals, was issued from the State Department calling attention to the attitude now proposed to be assumed by the United States towards what was known as the Declaration of Paris.

This so-called Declaration was an outcome of the Crimean War. When, in the summer of 1853, that war broke out, nearly forty years had elapsed since the close of the Napoleonic period: a period during which, as is well known, a system of semi-barbarous rules of so-called international law had been ruthlessly enforced by all belligerents. In 1853 those rules were still recognized as obligatory and enforceable, though in abeyance. As an historical fact, it was undeniable that, on the high seas,

¹ *Messages and Papers of the Presidents*, VI. 13.

² *Messages and Papers of the Confederacy*, I. 60.

³ *Messages and Papers of the Presidents*, VI. 14.

piracy was the natural condition of man; and, when the artificial state of peace ceased, into that condition as between those involved in the strife nations relapsed. To ameliorate this state of affairs, both possible and imminent, and to readjust in some degree the rules of international law to meet changed commercial conditions, Great Britain and France, on the outbreak of the war with Russia, agreed to respect neutral commerce, whether under their own flags or that of Russia; and, at the close of the war, the Congress of Paris adopted, in April, 1856, a Declaration embracing four heads:

1. Privateering is and remains abolished.
2. The neutral flag covers enemy's goods, with the exception of contraband of war.
3. Neutral goods, with the exception of contraband of war, are not liable to capture under enemy's flag.
4. Blockades in order to be binding must be effective; that is to say, maintained by forces sufficient really to prevent access to the coast of the enemy.

Great Britain, France, Prussia, Russia, Austria and Turkey adopted this mutual agreement, and pledged themselves to make it known to States not represented in the Congress, and invite their accession to it, on two conditions: (1) That the Declaration should be accepted as a whole, or not at all; and (2) That the States acceding should enter into no subsequent arrangement on maritime law in time of war without stipulating for a strict observance of the four points. On these conditions every maritime power was to be invited to accede, and had the right to become a party to the agreement. Accordingly nearly all the nations of Europe and South America in course of time notified their accession, and became, equally with the original parties contracting, entitled to all the benefits and subject to the obligations of the compact.

Among the rest, the government of the United States was invited to accede, and, like the other powers, had the right so to do by simple notification. This was during the Pierce administration; and Mr. Marcy, then Secretary of State, in due time (July 28, 1856) informed the governments interested that the President could not abandon the right to have recourse to privateers, unless he could secure the exemption of all pri-

vate property, not contraband, from capture at sea;¹ with that amendment the United States would become a party to the Declaration.

In other words, in addition to the points agreed on at Paris the United States contended for the establishment of the same principle on the sea that obtained on land, to wit: the exemption from capture or unnecessary molestation of all private property, not contraband of war, including ships. The last great vestige of the earlier times of normal piracy was, by general consent, to be relegated to the past. With the exception of Great Britain, the more considerable European maritime powers made no objection to the Marcy amendment. For obvious reasons connected with her past history and naval preponderance, Great Britain was understood to oppose it.

President Buchanan's was essentially an "Ostend manifesto," or filibuster, administration. As such, it felt no call to the proposed modifications;² but when Lincoln succeeded Buchanan the aspect of the proposition had, from the United States point of view, undergone dramatic change. Threatened with Confederate letters of marque, the government also found itself engaged in, and responsible for, a blockade of the first

¹ [This policy goes back to 1823, when President Monroe recommended it in his message of 1823. "I trust you will not take, as I am told some legislative statesmen have done, the proposition mentioned in the message for abolishing *private war upon the sea* to be a mere offer to abolish *privateering*. You will understand it as it is meant, a project for the universal exemption of private property upon the ocean from depredation by war." *John Quincy Adams to Robert Walsh*, December 3, 1823. Ed.]

² [The following has an historical interest in this connection. September 5, 1861, Richard Cobden wrote to James Buchanan saying: "The subject of the blockade is becoming more and more serious. I am afraid we have ourselves to blame for not having placed the question of belligerent rights on a better footing." He then asked a question about the attitude of the United States towards the Declaration of Paris. Buchanan replied, December 14, 1861: "In reference to your question in regard to blockade, no administration within the last half-century, up to the end of my term, would have consented to a general declaration abolishing privateering. Our most effectual means of annoying a great naval power upon the ocean is by granting letters of marque and reprisal. We could not possibly, therefore, have consented to the Paris declaration which would have left the vessels (for example of Great Britain or France) free to capture our merchant vessels, whilst we should have deprived ourselves of the employment of the force which had proved so powerful in capturing their merchant vessels. Hence the proposition of Mr. Marcy to abolish war upon private property altogether on the ocean, as modern civilization had abolished it on the land." *Works of James Buchanan* (Moore), xi. 218, 234. Ed.]

magnitude. Under such circumstances, it was plainly impossible to forecast all contingencies, and it was very open to question what policy might in certain exigencies prove the more expedient; but, on the whole, it seemed to the administration wisest to endeavor to conciliate Europe.

The question immediately arises, What was intended by the word "privateering" as used in the Declaration? On that would seem, in the present case, to have depended the attitude of the Diplomat at the time and the conclusions of the Historian since; for on this point strange confusion runs through all the correspondence, memoirs and records. Nor is this confusion peculiar to our Civil War state papers and literature. It is, on the contrary, very noticeable in the writings connected with our anterior wars, both that of Independence and that of 1812-1815. In the earlier cases it clearly existed in the minds of those engaged in the discussion. In the case, however, of the Civil War, the confusion was apparently due in quite as great a degree to a desire to ignore and confound manifest and well-recognized distinctions as to any real lack of a correct understanding of terms.

Up to the middle of the last (nineteenth) century, there were various recognized forms of ocean depredation.¹ Enumerating these in order, they were carried on

1. By pirates, so called, through what was known as "piracy." A familiar term, this calls for no definition.

2. By what were known as "corsairs."

3. By privateers, sailing in time of war under letters of marque issued by a belligerent.

4. By regularly commissioned ships of war, belonging to a recognized belligerent, under whose flag they sailed.

There has more recently come into existence a class of vessels known as "commerce destroyers," constructed not for combat primarily, but for the purpose of inflicting injury on the commercial marine of a hostile power with which the belligerent owning the "commerce destroyer" is at war. The term; however, refers only to a type of naval construction. It in no way

¹ Throughout the preparation of this paper constant use has been made of Prof. J. Bassett Moore's invaluable *Digest of International Law* (1906), and especially of the collection of authorities and material under the two heads of *Privateers* and the *Declaration of Paris*, VII. 535-583, secs. 1215-1221. Only in exceptional cases, therefore, is special reference made to this compendium.

affects legal classification. The "commerce destroyer" is simply a public cruiser adapted to a specific purpose.

On these distinctions the whole issue depends. In the minds, however, of those who carried on the negotiation of 1861, the distinctions do not seem to have been clear; and the failure then to observe, or the endeavor to ignore and obscure them, complicated the whole diplomatic situation, and at more than one juncture gravely threatened our foreign relations.

The ownership of the vessel sailing under a letter of marque was, then, of the very essence of privateering. This, in 1861, established the distinguishing line; and so lay at the basis of Article I of the Declaration. The privateer thus held, so to speak, a betwixt-and-between position; a privately owned maritime adventure, its letter of marque, issued by a belligerent, gave it a legal status. But for that it would have been subject to treatment as a pirate. The distinction is, too, especially important to be borne in mind while discussing the problems which developed from the maritime operations conducted during the Civil War, inasmuch as the value of the privateer, and the inducement to "privateering," then depended on success in the capture of prizes; which prizes, when duly condemned, were to be the plunder, or property, of the individual owner of the privateer. They did not, nor do they belong to the Government that issued the letters of marque under which the privateer sails. An individual venture, those concerned in the privateer were to a degree irresponsible. The point was very elaborately discussed later in the War, by Secretary Welles, in a series of letters addressed to Secretary Seward, when it was proposed to issue letters of marque to Union adventurers supposed to be anxious to chase the Confederate cruisers.¹

The preservation of the prize, with a view to its condemnation as such, is, therefore, the great and essential inducement to privateering. From mere commerce destruction the privateer gets no advantage. This it was, combined with the absence of any open port where condemnation proceedings were possible, which almost at once put an end to the whole scheme of Confederate privateering. The obvious fact that it must so do was pointed out and emphasized by the first Confederate Com-

¹ Welles, *Lincoln and Seward*, 145-173; *Diary*, I. 246-262.

missioners — Yancey, Rost and Mann — as early as August 14, 1861, in their elaborate communication to Earl Russell of that date. That Great Britain and France had closed their ports to prizes of Confederate privateers sailing under letters of marque, was in the following terms then made subject of grave remark and implied remonstrance:

The undersigned, however, received with some surprise and regret, the avowal of Her Britannic Majesty's Government that in order to the observance of a strict neutrality, the public and private armed vessels of neither of the contending parties would be permitted to enter Her Majesty's ports with prizes. The undersigned do not contest the right of the British Government to make such regulations, but have been disposed to think that it has been unusual for Her Majesty's Government to exercise such right, and that in this instance the practical operation of the rule has been to favor the Government at Washington, and to cripple the exercise of an undoubted public right of the Government of the Confederate States. This Government commenced its career entirely without a navy. Owing to the high sense of duty which distinguished the Southern Officers, who were lately in commission in the United States Navy, the ships which, otherwise, might have been brought into Southern ports, were honorably delivered up to the United States Government, and the Navy, built for the protection of the people of all the States, is now used by the Government at Washington to coerce the people and blockade the ports of one-third of the States of the late Union. The people of the Confederate States are an agricultural and not a manufacturing or commercial people. They own but few ships. Hence there has not been the least necessity for the Government at Washington to issue letters of marque. The people of the Confederate States have but few ships and not much commerce upon which such private armed vessels could operate. The commodities produced in the Confederate States are such as the world needs more than any other, and the nations of the Earth have heretofore sent their ships to our wharves, and there the merchants buy and receive our cotton and tobacco. But it is far otherwise with the people of the present United States. They are a manufacturing and commercial people. They do a large part of the carrying trade of the world. Their ships and commerce afford them the sinews of war, and keep their industry afloat. To cripple their industry and commerce; to destroy their ships or cause them to be dismantled and tied up to their rotting wharves, are legitimate objects and means of warfare. Having no navy, no commercial marine, out of which to improvise

public armed vessels to any considerable extent, the Confederate States were compelled to resort to the issuance of letters of marque, a mode of warfare as fully and as clearly recognized by the law and usage of nations, as any other arm of war; and most assuredly more humane and more civilized in its practice than that which appears to have distinguished the march of the troops of the Government of the United States upon the soil and among the villages of Virginia. These facts tend to show that the practical working of the rule that forbids the entry of the public and private armed vessels of either party into British ports with prizes, operates exclusively to prevent the exercise of this legitimate mode of warfare by the Confederate States, while it is to a great degree a practical protection to the commerce and ships of the United States.

So much for privateers and privateering. A pirate, on the other hand, is a common enemy of mankind. He sails under no flag, and is responsible to no Government. A robber on the high seas, he is simply an outlaw.¹

The public announcement, immediately after the firing on Sumter, that the Confederacy proposed to issue letters of marque naturally caused great alarm to the Union authorities, and the ship-owners of the loyal States. Under the conditions prevailing in April, May and June, 1861, it well might. W. H. Russell in his Diary gives a lively and picturesque account of the state of feeling then existing at Montgomery and of the views, knowledge and intentions of the Confederate authorities as respects letters of marque. What he then wrote did not at the time appear in his letters published in the *Times*; and that for obvious reasons. A neutral and a newspaper correspondent, he was under a well-understood obligation to disclose nothing, not already public, which would give information or contribute aid to the other party to the conflict. So in the

¹ Almost every known term of opprobrium can be found in the Civil War literature, official and private, applied to vessels sailing under the flag of the Confederacy. They are thus not infrequently designated "corsairs." This again was a misuse of terms; for, while a "corsair" is, strictly speaking, a "pirate," the word in general acceptance signifies a description of piratical craft long since passed out of existence. The corsair is especially associated with the Barbary Powers, so called, and preyed upon foreign commerce not protected by those powers; but vessels known as corsairs were, as a rule, commissioned by the Barbary States, and sailed under their flags. They in a way constituted a navy. The corsair passed out of existence about 1816 with the decay in power of the Barbary States. The pirate was simply exterminated, like other outlaws, robbers and free-booters.

London *Times* of May 30th, what is now about to be quoted from the Diary, published eighteen months later, appeared only in the following compressed and extremely non-committal form: "On leaving the Secretary I proceeded to the room of the Attorney-General, Mr. Benjamin, a very intelligent and able man, whom I found busied in preparations connected with the issue of letters of marque. Everything in the office looked like earnest work and business."

Dates are here important as bearing on the conditions then prevailing, and the consequent state of mind and feeling of those upon whom rested the responsibility for action. The brief extract just quoted appeared, it will be noticed, in the issue of the London *Times* of May 30th. On the 6th and 9th of the same month Russell was making in his Diary the following more detailed record:

Mr. Benjamin [then acting as Attorney-General of the Confederacy] is the most open, frank, and cordial of the Confederates whom I have yet met. In a few seconds he was telling me all about the course of Government with respect to privateers and letters of marque and reprisal, in order probably to ascertain what were our views in England on the subject. I observed it was likely the North would not respect their flag, and would treat their privateers as pirates. "We have an easy remedy for that. For any man under our flag whom the authorities of the United States dare to execute, we shall hang two of their people." "Suppose, Mr. Attorney-General, England, or any of the great powers which decreed the abolition of privateering, refuses to recognize your flag?" "We intend to claim, and do claim, the exercise of all the rights and privileges of an independent sovereign State, and any attempt to refuse us the full measure of those rights would be an act of hostility to our country." "But if England, for example, declared your privateers were pirates?" "As the United States never admitted the principle laid down at the Congress of Paris, neither have the Confederate States. If England thinks fit to declare privateers under our flag pirates, it would be nothing more or less than a declaration of war against us, and we must meet it as best we can." . . . As I was going down stairs, Mr. Browne called me into his room. He said that the Attorney-General and himself were in a state of perplexity as to the form in which letters of marque and reprisal should be made out. They had consulted all the books they could get, but found no examples to suit their case, and he wished to know, as I was a barrister, whether I could aid him. I told him it was not so much my

regard to my own position as a neutral, as the *vafri inscitia juris* which prevented me throwing any light on the subject. There are not only Yankee ship-owners but English firms ready with sailors and steamers for the Confederate Government, and the owner of the *Camilla* might be tempted to part with his yacht by the offers made to him. [Mr. Browne had three days before assured Lord Russell that] the Government had already received numerous — I think he said four hundred — letters from ship-owners applying for letters of marque and reprisal. Many of these applications were from merchants in Boston, and other maritime cities in the New England States.¹

In studying the history of what then occurred and the considerations which influenced the policy and utterances of those responsible, as were Davis and Seward, for the course of events, the foregoing is distinctly illuminating. It throws a penetrating light on a condition of affairs now wholly matter of the past, but one necessary to bear in mind if the course pursued by those public characters is to be understood, much more if an historic justice is to be meted out to them. The essential fact is, and it is apparent from the foregoing extract, that in May, 1861, Judah P. Benjamin on the one side, and W. H. Seward on the other, took up a line of policy exactly where it had been dropped on the conclusion of the treaty of Ghent, in December, 1814. Confronted by a new and quite unforeseen situation, they insensibly reverted to the state of affairs which had existed half a century before, and the methods adopted in dealing with it. They failed, and most naturally failed, to grasp the fact that nearly every condition had changed; and, consequently, they had to grope their way somewhat blindly and altogether tentatively to a realizing sense of this fact. During the intervening half-century steam had supplanted wind as the essential factor in naval operations; and this fact, under the international conditions which prevailed throughout our Civil War, set at naught all the hopes and anticipations of Mr. Benjamin, and, had he from the first fully realized what it implied, would have justified Mr. Seward in dismissing his apprehensions, so far as injury from privateers was concerned. In other words, what Benjamin hoped for and Seward feared was the fitting out at individual cost in Confederate and neutral ports of a swarm of cruisers who

¹ Russell, *My Diary, North and South*, chapters xxii-xxiii.

would in view of the illicit profits to be derived therefrom prey on American commerce, repeating the experience of the wars anterior to 1815. It was this class of venture to which the first article of the Declaration of Paris was meant to apply, — the fitting out and maintenance on the sea of privately owned cruisers sailing under letters of marque. It in no way applied to vessels, whether commerce destroyers or others, built, equipped, armed and commissioned by a recognized belligerent. As a matter of fact, therefore, and under the international conditions maintained throughout our Civil War, the provision of the Declaration of Paris inhibiting privateering, had it been in force, would have proved inoperative; and it would have proved inoperative simply because, contrary to the hopes and expectations of Mr. Benjamin on the one side, and the fears and apprehensions of Mr. Seward on the other, privateering, within the meaning of the Declaration of Paris, cut no figure.

Why it thus cut no figure is obvious. The British and French proclamations of belligerency, and consequent neutrality, of May 13 and June 10, 1861, solved the difficulty and, though undesignedly, solved it under the altogether novel maritime conditions then existing in favor of the United States. Privateers sailing under letters of marque could then by the old and established maritime usage be fitted out in either neutral or Confederate ports, sailing therefrom. As matter of fact, however, both were practically closed. The last, the Confederate ports, were closed by a blockade, made possible by steam, to either the egress of armed vessels, whether public or private, or the ingress of such vessels, or any prizes that might be captured by them. So long, therefore, as the blockade could be effectively maintained, or, in other words, so long as the European naval powers did not actively intervene to put an end to the ocean mastery of the Union, that source of danger was sealed up. Practically, also, the neutral ports were equally closed; for not only was the fitting out of privateers, as also of commissioned cruisers, in disregard of neutrality, and so illegal, but if an evasion of the law was successful or even connived at, the bringing in of prizes was forbidden. The entire inducement and incentive to privateering, in the sense of the Declaration of Paris, was thus cut off. So far as privateering, therefore, is concerned, whether with the ports of the Confederacy or

neutral ports as a basis, everything depended on the blockade, and the observance as respects prizes of foreign neutrality; and on that neutrality, and its continual observance, the blockade itself was dependent. Consequently, everything in the struggle from the outset, privateering of course included, hinged on what is known as Sea Dominion.

So far, however, as the present study is concerned, the one important result thus far reached is that, apparently, the first article of the Declaration of Paris had, under conditions then prevailing, so little practical application to maritime operations during the Civil War as to constitute in them but a negligible quantity. The Confederate commissioners in the extract just given from their communication to the British Foreign Secretary set forth the situation in terms of moderation when they said that the Southern States were "neither a manufacturing nor a commercial people, . . . having no navy, no commercial marine, out of which to improvise public armed vessels to any considerable extent." Captain J. D. Bulloch, the Confederate naval agent and representative in Europe throughout the struggle, writing in 1883, stated the case far more correctly. He said: "It was impossible to build armored vessels in the Confederate States for operations on the coast; — neither the materials nor the mechanics were there; and besides, even if iron and skilled artisans had been within reach, there was not a mill in the country to roll the plates, nor furnaces and machinery to forge them, nor shops to make the engines." ¹ Under such conditions the most the Confederacy could accomplish within itself was to construct rude floating batteries, propelled by most insufficient engines, and adapted to inland-water operations both defensive and offensive, — vessels of the type of the *Virginia*, at Norfolk, and the *Tennessee*, at Mobile, in no way fit for ocean service. Nor were conditions more favorable for the proper fitting out of a privateering fleet. Bulloch subsequently wrote: "It is quite safe for me to state that at the beginning of the year 1861 there was not, within the whole boundary of the Confederacy, a single private yard having the plant necessary to build and equip a cruising ship of the most moderate offensive capacity." ²

Under such conditions, domestic and foreign, Confederate

¹ Bulloch, *Secret Service*, I. 380.

² *Ib.*, 22.

privateering within the meaning of the Declaration of Paris died an early and natural death.¹ As prizes could not, because of the blockade, be sent into Confederate ports for purpose of condemnation and sale, and as all foreign ports were closed to them, the inducement ceased to exist. The record of Confederate privateering proper can, therefore, be briefly recounted.

Early in May, 1861, at the outset of troubles, a rumor got abroad that an iron steamer, the *Peerless*, equipped on the Great Lakes, had been bought by the Confederate Government, preparatory to being sent to sea to operate on American commerce. Secretary Seward was at this time, as we now know, in an irritable state of mind, and one decidedly aggressive. The course of domestic events was not going as he had planned it should go; his position in the Cabinet was anomalous; his leadership was challenged; his influence, as the natural result of frequent forecastings invariably proved mistaken in the result, was plainly waning both in Washington and the country at large. Temporarily, at any rate, his prestige was distinctly impaired. Not unnaturally, also, his views at this stage of the conflict as to the foreign policy best to be adopted under circumstances altogether unprecedented were, to say the least, inchoate. So he, head of the Department of State, now sent a telegraphic order to all naval officers of the United States to seize the *Peerless* "under any flag, and with any papers," if they had probable information that she had been sold to agents of the Confederacy. In consequence of a vigorous protest against such a high-handed measure immediately filed by the British Minister, the Secretary, however, the same day wrote to Lord Lyons that if the information on which action was taken "proved to be incorrect, full satisfaction will be promptly given."² And even in this formal paper the usual confusion of thought and expression was perceptible, for it was stated that the ship in question was rumored to have been sold to the *de facto* insurgent government "to be used as a privateer." There was a distinctly humorous element in the outcome of this initial episode, illustrative of the way in which important public business was then transacted. Lord Lyons in due time reported to Earl Russell, "It turned out that the ship had all the time been purchased by the

¹ Seward to Adams, May 28, 1862. *Diplomatic Correspondence*, 1862, 101.

² *Parliamentary Paper*, North America, No. 1, 1862, 31-33.

United States government itself," and this purchase had been "the cause of proceedings of the vessel which were looked upon as suspicious."¹

So far as my investigations enable me to form an opinion, there is thus no case of a vessel actually going out from any foreign port equipped as a privateer to sail under Confederate letters of marque. In every instance the vessel so equipped and going to sea was the property of the Confederacy, commissioned as such, and intended to perform the part of a modern commerce destroyer.

The only privateers, properly so classified, which, sailing under letters of marque, appeared upon the ocean and committed ravages on American commerce, were vessels equipped very early in the war in Confederate ports, and sent to sea therefrom. This phase of the struggle has been exhaustively and satisfactorily treated by J. T. Scharf in his *History of the Confederate Navy*.² The author, also, therein draws the distinction already referred to:

A privateer, as the name imports, is a private armed ship, fitted out at the owner's expense, but commissioned by a belligerent government to capture the ships and goods of the enemy at sea, or the ships of neutrals when conveying to the enemy goods contraband of war. A privateer differs from a pirate in this, that the one has a commission and the other has none. A privateer is entitled to the same rights of war as the public vessels of the belligerent. A pirate ship has no rights, and her crew are liable to be captured and put to death by all nations, as robbers and murderers on the high seas.

In examining the list in this book given of vessels fitted out and sailing from Confederate ports under letters of marque during the first summer of the War, it is curious to observe how

¹ *Lyons to Russell, Ib.*, 115. This was not the only or most important instance in which, during the early weeks of the Lincoln administration, the functions of the Navy Department were without consultation assumed by the Department of State. In the *Welles Diary* (I. 23-25) there is an interesting account of a similar proceeding, leading at a most critical juncture to consequences of far greater moment. Secretary Welles, probably with undue severity, subsequently wrote (*Diary*, I. 204) of Mr. Seward: "He gets behind me, tampers with my subordinates, and interferes injuriously and ignorantly in naval matters, not so much from wrong purposes, but as a busybody by nature. I have not made these matters subjects of complaint outside and think it partly the result of usage and practice at Albany." See, also, *Ib.*, II. 160.

² Chapter IV, 53-93. Second edition. 1894.

closely the traditions of 1812-1815 were followed. The vessels were in greatest part mere schooners, hastily equipped and insufficiently armed. Fifty years behind the times, and relying solely on canvas, they were at the mercy of ships propelled by steam. The following is, for instance, an individual experience:

The revenue cutter *Aiken*, which had been seized in Charleston by the authorities of South Carolina before the firing on Fort Sumter, was fitted out as a privateer, and called the *Petrel*, and placed under the command of Capt. Wm. Perry. On July 27th the privateer schooner sailed out of Charleston, and stood for the U. S. frigate *St. Lawrence*, which she mistook for a merchantman, as all her ports were closed. When the *Petrel* got within range she fired three shots without doing any damage. The *St. Lawrence* returned with shot and shell a terrific fire, one shell exploding in the hull of the *Petrel*, and sinking her instantly. The boats of the frigate were lowered, and picked up thirty-six out of forty of the privateer's crew, who were taken aboard, and their feet and hands heavily manacled. The remaining four were drowned.¹

During the first months of the war, and before the blockade became really effective, quite a number of these privateers got to sea, and some of their captures — sent into Confederate ports — were there duly condemned and sold. Others were released after being bonded; but the greatest number of vessels captured were scuttled and otherwise destroyed. The injury thus sustained by the United States merchant marine was undoubtedly considerable, but in largest part due to the alarm occasioned, and the immediate consequent transfer of American shipping to foreign ownership. As the war progressed and the blockade became more effective, conditions produced their natural results. Privateering was abandoned as both perilous and unprofitable, and the maritime activity and spirit of adventure of the Confederacy turned in the direction of blockade running as at once less dangerous and far more remunerative. Privateering within the scope of Article I of the Treaty of Paris may, therefore, be said to have ceased to be a factor in the operations of the Civil War by the close of 1861.²

¹ Scharf, 86.

² "In the Civil War . . . the rebel government offered its letters of marque; but, as nearly all the maritime powers had warned their subjects that if they served in privateers in the war, their governments would not interfere to protect

Premising these distinctions, principles and facts, it is now proper to return to the narrative and the sequence of events.

The British proclamation of belligerency, as it is called, or more properly the proclamation of neutrality in the conflict which had developed, with the recognition of a belligerent character in both parties thereto, was made public in London during the week (May 15, 1861) following Mr. Russell's visit at the office of Attorney-General Benjamin, at Montgomery; and Secretary Seward was simultaneously formulating a policy, the circular in relation to the accession of the United States to the Declaration of Paris having been sent out on the 24th of April, or some three weeks before.

In the interim had occurred the tumultuous popular uprising of the loyal States consequent upon the attack on Sumter. The stage of incertitude and resulting panic had passed away, troops, such as they were, were pouring into Washington, and the country was well entered on the intermediate, over-confident and self-inflated stage of the conflict referred to in the earlier portion of this paper. Secretary Seward shared to the full in these feelings, and that he did so was manifest both in his utterances and his official despatches. Acting, it would appear, under the impulse of the moment, and without sufficiently informing himself as to the character of the action taken by the British Government, or the consequences to be apprehended therefrom, Mr. Seward not only now assumed high ground, but the ground by him taken could by no possibility be maintained unless the most sanguine anticipations of the Union authorities were fulfilled in the immediate future, those anticipations in no way making provision for an unexpected adverse catastrophe.

them, and as the United States had threatened to treat such persons as pirates, and the naval power of the United States was formidable, no avowedly foreign private armed vessels took letters of marque; and the ostensibly Confederate vessels were commissioned as of its regular navy." Dana, *Wheaton*, 456n. "One popular error pervades all which has been said or written, on both sides of the line, about the Confederate navy. This is the general title of 'privateer' given to all vessels not cooped up in southern harbors. . . . There was a law passed, regulating the issue of letters of marque; and from time to time much was heard of these in the South. But [with the exception of the] "Jeff Davis" not more than two or three ever found their way to sea, and even these accomplished nothing. At one time, a company with heavy capital was gotten up in Richmond, for the promotion of such enterprises; but it was looked upon as a job and was little successful in any sense." De Leon, *Four Years in Rebel Capitals*, 262.

Accordingly, the Secretary (May 17th) set to work drafting what he while engaged upon it described in a familiar letter to a member of his family as a "bold remonstrance before it is too late."¹ His remonstrance took the form of the despatch No. 10 of May 21st, addressed to Mr. Adams.² It is unnecessary for present purposes to refer to it in detail. It is sufficient to say that upon its receipt and first perusal Mr. Adams wrote in his Diary: "The Government seems almost ready to declare war with all the powers of Europe, and almost instructs me to withdraw from communication with the ministers here in a certain contingency. . . . I scarcely know how to understand Mr. Seward. The rest of the Government may be demented for all I know; but he surely is calm and wise. My duty here is in so far as I can do it honestly to prevent the irritation from coming to a downright quarrel. It seems to me like throwing the game into the hands of the enemy."³ In the despatch referred to the Secretary, in addition to the suppression of domestic insurrection, contemplated as possible if not immediately impending, a war "between the United States and one, two, or even more European nations," — a conflict of which he now wrote to his wife, "it will be dreadful, but the end will be sure and swift." The despatch was, in fact, a general defiance thrown forth to governments throughout the world, whether avowedly unfriendly or assumed to be so!⁴

¹ *Seward at Washington*, II. 575-576.

² The general tenor of this despatch was known at the time to Lord Lyons. He wrote concerning it to Lord John Russell, under date of May 23d, as follows: "Upon receiving the intelligence of your Lordship's declaration in Parliament, Mr. Seward drew up a despatch to Mr. Adams to be communicated to your Lordship in terms still stronger than any he had before used. I fear that the President has consented to its being sent, on condition, however, that it is to be left to Mr. Adams's discretion to communicate it or not, as he may think advisable. If sent, it will probably reach London about the same time with this despatch." (*Parliamentary Paper*, 1862, 39.) This despatch reached the Foreign Office June 4th; the despatch referred to in it did not reach the Legation in London until six days later, June 10th. See also *Parliamentary Paper* (1862), 115, where, just at the crisis of the *Trent* affair (December 25, 1861), the attention of Earl Russell is called by Lord Lyons to Mr. Seward's despatch of May 21, then just made public in the printed diplomatic correspondence accompanying the message of the President.

³ *Ms. Diary*, Monday, June 10, 1861.

⁴ During the earlier portions of the Lincoln administration, largely through the influence of the Secretary of State, no regular Cabinet meetings were held. Mr. Welles asserts in his *Diary* (I. 138) that "Many of the important measures, par-

In this despatch as originally drawn and submitted to the President, the Secretary, reflecting the mood and expectations of the hour, among much else observed that "after long forbearance, designed to soothe discontent and avert the need of civil war, the land and naval forces of the United States have been put in motion to repress the insurrection. The true character of the pretended new State is at once revealed. It is seen to be a Power existing in pronunciamento only."¹

In preparing this puzzling, if not now well-nigh incomprehensible state paper, couched in language plainly calculated to provoke and precipitate a foreign crisis, one thing only is obvious, — the Secretary of State was, in plain English, discounting a wholly successful outcome of the movements of the land and naval forces of the United States then preparing to be put in immediate "motion to repress the insurrection." So much is manifest. What, however, was implied by the observation in the paragraph immediately succeeding that from which the extract just given is quoted, is less apparent. The Secretary went on to assert that in certain contingencies then regarded as of more than probable occurrence "the laws of

ticularly of his own Department, [Mr. Seward] managed to dispose of or contrived to have determined independent of the Cabinet." See also *Ib.*, I. 134, 154, 203, 274. So far as anywhere appears, this course was followed with respect to the despatch of May 21. It was never submitted to the Cabinet, and, while rumors of its purport were current, knowledge of its details seems at the time to have been confined to the Secretary, Mr. Lincoln, and Mr. Sumner, Chairman of the Senate Committee on Foreign Relations, who was consulted by the President in regard to it. No reference to what then occurred is found in Pierce's *Life of Sumner*. A year later, however, when a concerted move was made by the Republican Senators to bring about the dismissal of Secretary Seward from the Cabinet, much emphasis was laid upon this despatch, portions of which had been published in the *Diplomatic Correspondence* of the previous year. In his *Diary* Secretary Welles says that during the discussion which took place, December 20, 1862, between the committee of nine Senators and the President and members of his Cabinet, the volume of *Diplomatic Correspondence* was alluded to; "some letters denounced as unwise and impolitic were specified, one of which, a confidential despatch to Mr. Adams, was read. If it was unwise to write, it was certainly injudicious and indiscreet to publish such a document." (*Diary*, I. 198; *Lincoln and Seward*, 76.) The Secretary of State was at this time very generally accused of transmitting despatches of importance to the foreign representatives without previously submitting them to the President. A case in point was developed at this conference, Mr. Lincoln expressing great surprise when his attention was called by Senator Sumner to a certain despatch in the printed *Diplomatic Correspondence* (that to Mr. Adams, July 5, 1862), disclaiming any knowledge of it. Pierce, IV. 111.

¹ Nicolay and Hay, *Lincoln*, IV. 273.

nations afford an adequate and proper remedy, and we shall avail ourselves of it." Clearly a threat, what that threat signified is still matter of inference.

Though a lawyer by calling, and as such in a way eminent, Mr. Seward did not possess what is known as a legal mind, much less one of judicial cast. Long retired from active practice, he had never given any particular attention to the problems and collection of usages which make up the body of what is denominated International Law. He now also freely admitted to his Cabinet colleagues that, though almost daily called upon to deal with novel and intricate international issues, he never opened the treatises, and "that he was too old to study." One of his associates (Blair) did not hesitate to say that in his opinion the Secretary of State knew "less of public law than any man who ever held a seat in the Cabinet"; while another (Welles) put on record his surprise to find him "so little acquainted with the books,"¹ and a third (Bates) pronounced him "no lawyer and no statesman."² Sumner, whose own conceptions of international usage were distinctly nebulous, averred that Seward knew nothing of it; and apparently without consulting so familiar an authority as Wheaton, the Secretary of State depended for his conclusions on the chief clerk of the Department and a few unofficial advisers of questionable authority.³ What, however, Mr. Seward now distinctly implied, was that, should Great Britain give shelter from our pursuit and punish-

¹ Allowance must always be made in case of statements found in the Welles *Diary* as respects Mr. Seward. Referring, however, to his lack of acquaintance with the principles of international law, Mr. Welles wrote as follows, under a date as late as January 30, 1865: "He told me last week that he had looked in no book on international law or admiralty law since he entered on the duties of his present office. His thoughts, he says, come to the same conclusions as the writers and students. This he has said to me more than once. In administering the government he seems to have little idea of constitutional and legal restraints, but acts as if the ruler was omnipotent. Hence he has involved himself in constant difficulties." *Diary*, II. 232.

² Welles, *Diary*, I. 170, 233, 275, 285; II. 93.

³ "[Seward] has, with all his bustle and activity, but little application; relies on Hunter and his clerk, Smith, . . . to sustain him and hunt up his authorities." Welles, *Diary*, I. 275. "Whiting, Solicitor of the War Department, has gone to Europe. Is sent out by Seward, I suppose. . . . [William Whiting is] such a man as Stanton would select and Seward use." *Ib.*, 381, 544; II. 85. William Whiting then occupied the position of solicitor of the War Department. Caleb Cushing, whose loyalty at this time was not above suspicion, also seems to have been an unofficial adviser. *Ib.*, I. 275.

ment to those whom she declared "lawful belligerents," but who being our citizens we adjudged to be "pirates," the law of nations would justify the United States in pursuing such miscreants into neutral harbors and there destroying them. The proposition was certainly "bold," — not to say startling.¹

¹ This would seem to be the unavoidable inference to be drawn from the despatches of Secretary Seward connected with events of subsequent occurrence. On the night of October 6, 1864, the Confederate cruiser *Florida* was run down by the United States cruiser *Wachusett* in the harbor of Bahia, Brazil, and subsequently towed out to sea and carried to Hampton Roads, as prize. In this case there was no controversy as to facts. The whole proceeding was high-handed, and in manifest violation of recognized principles of international law. As such it led to formal representations on behalf of Brazil to which Secretary Seward replied under date of December 20, 1864. The correspondence can be found in the "British Case" prepared for the Geneva Arbitration (75-78) and in Bulloch's *Secret Service of the Confederate States in Europe* (I. 199-224). In his reply to the reclamation of the Brazilian Minister Secretary Seward then wrote that the *Florida*, "like the *Alabama*, was a pirate, belonging to no nation or lawful belligerent, and therefore that the harbouring and supplying of these piratical ships and their crews in Brazilian ports were wrongs and injuries for which Brazil justly owes reparation to the United States." The Secretary further denied that the "insurgents of this country are a lawful naval belligerent; and, on the contrary, it maintains that the ascription of that character by the Government of Brazil to insurgent citizens of the United States, who have hitherto been, and who still are, destitute of naval forces, ports, and courts, is an act of intervention in derogation of the law of nations, and unfriendly and wrongful, as it is manifestly injurious, to the United States."

In the preceding year, in a despatch from Mr. Seward to Mr. Adams (*Diplomatic Correspondence*, 1863, Part I. 309-310) relating to the recent decision in the case of the *Alexandra*, Mr. Seward wrote as follows: "If the law of Great Britain must be left without amendment, and be construed by the government in conformity with the rulings of the chief baron of the exchequer, then there will be left for the United States no alternative but to protect themselves and their commerce against armed cruisers proceeding from British ports, as against the naval forces of a public enemy; and also to claim and insist upon indemnities for the injuries which all such expeditions have hitherto committed or shall hereafter commit against this government and the citizens of the United States. To this end this government is now preparing a naval force with the utmost vigor; and if the national navy, which it is rapidly creating, shall not be sufficient for the emergency, then the United States must bring into employment such private armed naval forces as the mercantile marine shall afford. . . . Can it be an occasion for either surprise or complaint that if this condition of things is to remain and receive the deliberate sanction of the British government, the navy of the United States will receive instructions to pursue these enemies into the ports which thus, in violation of the law of nations and the obligations of neutrality, become harbors for the pirates?" In connection with these extracts it should be observed that the first — that relating to the *Florida* — occurred at the close of December, 1864, when the Civil War was rapidly drawing to a close. The correspondence, in this case, was submitted to the Cabinet, and the despatch to the Brazilian minister was approved (Welles, *Diary*, II. 184-186, 197). There is no

Coming, however, to the final paragraph in the extracts from the despatch of May 21st — that relating to the Treaty of Paris — it will be noted that the Secretary referred to it as “abolishing privateering everywhere in all cases and forever”; he then went on as follows: “You already have our authority to propose to [Great Britain] our accession to that declaration. If she refuse to receive it, it can only be because she is willing to become the patron of privateering when aimed at our devastation.”¹

We now come to the true inwardness of the present discussion. What did Seward mean by this language? What was he driving at? Did he speak in good faith? — or did he have an ulterior and undisclosed end always in view, that end to be attained by indirection? The study becomes interesting, for it is necessarily made from the *dramatis personae* point of view. It involves the correct reading of the individual character of eminent men at a very critical period historically. What then was Seward proposing to himself? What considerations actuated Earl Russell in the course he was presently to take? How did Mr. Adams, Lord Lyons and Mr. Dayton, who bore the subordinate parts in the drama, demean themselves?

Seward is primarily to be considered and disposed of. His was the leading part. He had in the first place announced that dealing with the privateers sailing under Confederate letters of marque was a matter within the exclusive prerogative of the United States, the Confederacy then (May 21st) not being a recognized belligerent; and the United States proposed, by virtue of its municipal law, to treat the privateers as pirates.

evidence that the previous despatch to Mr. Adams, of July 11, 1863, was submitted to the Cabinet or had been approved by the President before transmission. It was not communicated by Mr. Adams to Earl Russell; and when it subsequently appeared in the United States *Diplomatic Correspondence*, “a storm was raised in the House of Commons. This was not calmed until Earl Russell claimed that as the despatch had never been laid before him, he had been spared the difficulty and pain of giving an appropriate answer to it.” (Bancroft, *Seward*, II. 390.) While the Secretary naturally hesitated to advance such a claim as an accepted principle of international law, he seems not to have been unwilling vaguely to imply as much, venturing on no specific proposition. The threat of a recourse to privateering in certain contingencies which must inevitably have ensued had the action taken by the *Wachusett* been ventured upon under instructions in British waters, was expressed in language which could not be termed even diplomatically veiled.

¹ Nicolay and Hay, *Lincoln*, IV. 273.

Seward's scheme unquestionably was, by an adroit though somewhat transparent move on the diplomatic chess-board, to force the neutral maritime powers into a position inconsistent with the law, — whether international or of humanity; that is, he proposed by giving notice as prescribed to secure the accession of this country to the stipulations of the Treaty of Paris under which privateering was abolished, and then the United States was, as the sole recognized sovereign nationality, to demand of the Powers that "privateering [being] everywhere and in all cases and forever" abolished, the Powers must refuse access to their ports to the Confederate "pirates," as he designated them. Thus reducing them into the class of criminals or outlaws, — as such to be summarily dealt with.

Such was Seward's scheme, as it first assumed shape in his mind.

Yet, again, the matter of dates now becomes important. Seward took the initial step leading to this position April 24th, — twelve days only after the attack on Sumter. He then notified the proposed accession of the United States to the Declaration of Paris. The Confederacy had not up to that time anywhere been recognized as a belligerent; and, that being the case, Seward assumed that the United States, being the "exclusive sovereign," rightfully and as of course spoke internationally for the so-called Confederacy as well as for itself.

Unfortunately for the practical working of this theory, Great Britain and France, acting in co-operation at this juncture, recognized the Confederacy as a belligerent; and then, under all accepted rules of international law, the new belligerent had a right to carry on its operations on water as on land.

Here was a new and somewhat irritating as well as extremely perplexing issue; and again Seward took high ground. As foreshadowed in his despatch No. 10, he now insisted that the Confederacy was not a belligerent in any full sense of the term until acknowledged as such by the sovereign power of the United States. Writing to Mr. Dayton at this time Mr. Seward thus expressed himself, in a despatch marked "strictly confidential":

You seem to us to have adopted the idea that the insurgents are necessarily a belligerent power because the British and French Governments have chosen in some of their public papers to say that they are so. . . . Our view is on the contrary. . . . We do not admit,

and we shall never admit, even the fundamental statement you assume, namely, that Great Britain and France have recognized the insurgents as a belligerent party. True, you say that they have so declared. We reply: Yes, but they have not declared so to us. You may rejoinder: Their public declaration concludes the fact. We nevertheless reply: It must be not their declarations, but their action that shall conclude the fact. That action does not yet appear, and we trust, for the sake of harmony with them and peace throughout the world, that it will not happen.¹

Accordingly, he vaguely claimed that the United States, not acknowledging the Confederacy as a belligerent, could treat as it saw fit vessels commissioned by the Montgomery government as privateers; and, privateers being abolished by the Declaration of Paris, they consequently became pirates. Having thus fixed their status, he further distinctly intimated an intention to claim that they could be pursued into neutral ports, and there destroyed as common enemies of mankind.²

Such was apparently the line of procedure somewhat vaguely formulated in Seward's mind; the ultimate step of which he held in reserve throughout what are known as the negotiations relating to the Declaration of Paris, now gravely entered upon.

So much for Secretary Seward. It is now necessary to turn to the other parties to that negotiation; and first, Earl Russell.

In the earliest of the discussions which took place in the Commons (May 2, 1861) after the firing on Sumter, Lord John Russell, as he then was, used the striking expression that Great Britain had nothing to do with the American troubles, and added, "For God's sake, let us, if possible, keep out of them!" As a statement of fact also, and proposition of international usage, Lord John Russell stood on firm ground when he further at this juncture said in the Commons: "a power or a community (call it which you will) which [is] at war with another, and which

¹ Moore, *International Law Digest*, vii. 574.

² In the case of the *Florida* the commander of the *Wachusett* had acted on his own responsibility. His proceeding was therefore disavowed with expressions of regret; and this was to be regarded as "ample reparation" in view of "the enduring sense of injuries" entertained by the United States. Had, however, the violation of neutrality taken place by order under the conditions set forth in the despatch to Mr. Adams of July 11, 1863, the law of nations "afforded an adequate and proper remedy," that remedy being apparently an offer of ample though formal reparation, accompanied, of course, in proper cases, by a suitable money indemnity. See, also, Welles, *Diary*, ii. 185, 197.

[covers] the sea with its cruisers, must either be acknowledged as a belligerent, or dealt with as a pirate.”¹ The issue was clear and made up. President Lincoln had by proclamation announced that those captured on Confederate cruisers or privateers were to be dealt with as pirates. These utterances of Lord John clearly foreshadowed the position of neutrality the British Government, of which he was in this matter the mouth-piece, proposed to assume. That Government was, however, most distrustful of Secretary Seward personally. Those composing it very generally suspected that he intended to excite some grave foreign complication in order to bring about a domestic reconciliation. With this possibility in mind, Lord John Russell had written to Lord Lyons as long before as February 20th, as follows: “Supposing, however, that Mr. Lincoln, acting under bad advice, should endeavor to provide excitement for the public mind by raising questions with Great Britain, Her Majesty’s Government feel no hesitation as to the policy they would pursue. . . . They would take care to let the Government which multiplied provocations and sought for quarrels understand that their forbearance sprung from the consciousness of strength and not from the timidity of weakness.”

The British Secretary did not err in this surmise. The idea of a foreign complication as a counter-irritant was, as we now know, distinctly in Seward’s mind, even at that early date (February, 1861). Philosophizing on this problem in the measured language characteristic of his writings, Mr. Rhodes says of the Secretary’s mental condition four months later:

The infatuation of Seward is hard to understand; it shows that the notion which had prompted the “Thoughts for the President’s Consideration” still lodged in his brain, and that he dreamed that if the United States made war on England because she helped the Confederacy, the Southerners, by some occult emotional change, would sink their animosity to the North, and join with it for the sake of overcoming the traditional enemy. His unconcern at the prospect of serious trouble with England was not courage, but a recklessness which made him oblivious of what all discerning Northern statesmen knew — that the people devoted to the Union had undertaken quite enough, in their endeavor to preserve the nation from destruction by its internal foes.²

¹ Walpole, *Twenty-five Years*, II. 41.

² Rhodes, III. 424.

In other words, Seward seems to have shared to the full in the condition of mental intoxication in which the loyal North indulged during the hundred days between Sumter and Bull Run. The distrust of him, therefore, privately entertained at that time in diplomatic circles and the departments of foreign affairs was well founded; far more so than was generally known, or in America even surmised until the Nicolay-Hay revelations of twenty years later. Lord Lyons, however, at once advised Earl Russell of Seward's scheme in the Declaration of Paris move. In a despatch dated June 4th, and received in London June 14th, he wrote:

"It is probable that Mr. Adams may, before this despatch reaches your Lordship, have offered, on the part of this Government, to adhere to Art. 1 of the Declaration of Paris as well as to the others and thus to declare privateering to be abolished. There is no doubt that this adherence will be offered in the expectation that it will bind the Governments accepting it to treat the privateers of the Southern Confederacy as pirates. . . . At the present moment, however, the privateers are in full activity, and have met with considerable success. It is not, therefore, to be expected that the Southern Confederacy will relinquish the employment of them, otherwise than on compulsion or in return for some great concession from France and England." He further added this caution: "It seems to me to be far from certain that the United States Congress would ratify the abolition of privateering; nor do I suppose that the Cabinet will abide by its proposal when it finds that it will gain nothing towards the suppression of the Southern privateering by doing so."

The ultimate purpose of Seward's move on the international chess-board was, therefore, understood in the British Foreign Office; and, of course, Earl Russell did not propose to be unwittingly a victim of it. Accordingly, under date of July 12, 1861, he was thus writing to Edward Everett in Boston, knowing well that the latter was in correspondence with Mr. Adams in London:

I respect the unanimous feeling of the North, and still more the resolution not to permit the extension of Slavery which led to the election of President Lincoln. But with regard to our own course I must say something more. There were according to your account eight millions of freemen in the Slave States. Of these millions up-

wards of five have been for some time in open revolt against the President and Congress of the United States. It is not our practice to treat five millions of freemen as pirates, and to hang their sailors if they stop our merchantmen. But unless we meant to treat them as pirates and to hang them, we could not deny them belligerent rights. This is what you and we did in the case of the South American Colonies of Spain. Your own President and Courts of Law decided this question in the case of Venezuela.¹

Meanwhile, Seward, by what has always, for some reason not at once apparent, passed for a very astute proceeding,² caused

¹ Adams Mss. Enclosure in *Everett to Adams*, August 20, 1861. *Proceedings*, XLV. 76, 77.

[In view of the correspondence which is known to have passed between the Premier and the Editor of the *Times* just prior to the Trent affair, four months later, it is safe to assume that the *Times* was at this juncture directly inspired from Government sources. In its editorial columns of the issue of May 15th, the following comment appeared on the Proclamation of Belligerency, then just published:

"The North sees in the Southern States rebels against its authority, and will probably, at first at least, decline to recognize the validity of Letters of Marque issued under the authority of President Jefferson Davis. The South will not be slow to retaliate, and it may easily be anticipated that there will be a disposition on both sides to treat those crews of privateers who may fall into their hands as pirates, to whom the license they bear gives no protection. What would be the conduct of the British Government under such circumstances? Suppose an Englishman taken on board a Southern privateer to be hanged under a sentence of a Court of Admiralty at New York, — what would be the conduct of the Government in this country? The answer of the Proclamation to the question is by no means encouraging. Persons enlisting in such service will do so at their peril and of their own wrong, and will in no wise obtain any protection from us against any liabilities or penal consequences. It will be observed that in this place the word 'such' is omitted. The liabilities and penal consequences are not confined to those under the Act or under the law of nations, but are left wide and undefined, as if on purpose to impress the very case we are supposing. . . . We have done our duty if we distinctly point out that those Englishmen who, in defiance of the laws of their country and the solemn warnings of their Sovereign, rush into this execrable conflict will do so with direct notice that if they meet with enemies as reckless and merciless as themselves, they must bear the fate that awaits them, without any hope that the country whose laws they have broken will stretch forth her arm to shield them from the consequences of their own folly and wickedness. . . . The warning has been given in time; we hope and believe that it will prove effectual, and that the horrors of a civil war between brethren will not be aggravated by the uncalled-for intervention of the subjects of the parent State."

It would thus appear that from the commencement Great Britain was upon its guard. Under the circumstances, it was not proposed to protect British subjects therein concerned in case privateering was visited with the penalty of piracy. On the other hand, the British Government did not propose, through a deferred adhesion to the Treaty of Paris by the United States, to be drawn into a denial of right of asylum to a recognized belligerent. Ed.]

² *Seward at Washington*, II. 581; Bancroft, *Seward*, II. 181.

a transfer of the whole negotiation from Washington to London and Paris, — that is, he refused to see the representatives of France and Great Britain together, and under instructions acting jointly in reference to the accession of the United States to the Declaration of Paris; and by so doing caused the negotiations to pass out of his own hands into those of his two representatives in Europe, Mr. Adams and Mr. Dayton.¹ They, July 6th, were instructed accordingly, and proceeded to negotiate.

Dates and conditions must again be borne in mind. The instructions to negotiate on the basis of the treaty of Paris "pure and simple," bore date of July 6th, just fifteen days before the battle of Bull Run, and when the movement which led to that disaster was fully decided upon and in active preparation. So far as foreign relations were concerned, Seward was then still riding a very high horse, — the No. 10 charger, in fact, he had mounted on the 21st of the previous May. We get a vivid and exceedingly life-like glimpse of him, his attitude and way of talking at just this juncture through Russell's Diary. The *Times* special correspondent there describes how on July 4th — while the despatches ordering the Declaration of Paris negotiations to proceed were yet on Mr. Seward's table, to go out two days later — he (Russell) called at the Department of State. He reports the impression in the course of that interview made on him by Seward, recording his language thus:

"We are dealing with an insurrection within our own country, of our own people, and the Government of Great Britain have thought

¹ "Mr. Seward said at once that he could not receive from us a communication founded on the assumption that the Southern rebels were to be regarded as belligerents; that this was a determination to which the Cabinet had come deliberately; that he could not admit that recent events had in any respect altered the relations between foreign Powers and the Southern States; that he would not discuss the question with us, but that he should give instructions to the United States Ministers in London and Paris, who would be thus enabled to state the reasons for the course taken by their Government to your Lordship and to M. Thouvenel, if you should be desirous to hear them.

"That is to say," observed M. Mercier, 'you prefer to treat the question in Paris and London rather than with us here.'

"Just so," said Mr. Seward; 'and he proceeded to tell us that he should be very much obliged if we would, on our side, leave with him, for his own use only, our instructions, in order that he might be able to write his despatches to London and Paris with a certainty that he did not misapprehend the views of our Governments.'" *Lord Lyons to Lord John Russell*, June 17, 1861.

fit to recognize that insurrection before we were able to bring the strength of the Union to bear against it, by conceding to it the status of belligerent. Although we might justly complain of such an unfriendly act in a manner that might injure the friendly relations between the two countries, we do not desire to give any excuse for foreign interference; although we do not hesitate, in case of necessity, to resist it to the uttermost, we have less to fear from a foreign war than any country in the world. If any European Power provokes a war, we shall not shrink from it. A contest between Great Britain and the United States would wrap the world in fire, and at the end it would not be the United States which would have to lament the results of the conflict."

I could not but admire the confidence — may I say the coolness? — of the statesman who sat in his modest little room within the sound of the enemy's guns, in a capital menaced by their forces who spoke so fearlessly of war with a Power which could have blotted out the paper blockade of the Southern ports and coast in a few hours, and, in conjunction with the Southern armies, have repeated the occupation and destruction of the capital.

To the historical investigator of 1912 the foregoing account of a familiar talk with Secretary Seward in July, 1861, just a fortnight before the disaster at Bull Run, is distinctly suggestive; as also is Russell's comment on what then passed. To us who, seeing before and after, look back on the situation at that period, it is curious to consider what possibilities were in the mind of Secretary Seward when he thus, speaking for the United States, calmly contemplated the contingency of a war with the two leading naval powers of Europe, imposed upon the somewhat gigantic task of suppressing a domestic insurrection in which eleven distinct political communities were concerned, representing eight millions of population. We now know, and it would seem as if Secretary Seward could at the time hardly have failed to realize, that the task of suppressing the insurrection alone taxed to the utmost both the strength and the spirit of persistence of that portion of the United States which remained loyal to the Union. We also now appreciate the strategic fact that every vital military operation involved in that gigantic effort depended on maritime control.¹ From the capture of New Orleans by Farragut, through Sherman's march to the sea to Lee's surrender at Appomattox, it may

¹ 2 *Proceedings*, XIX. 311-326.

with safety be asserted that, with the exception of the Vicksburg and Chattanooga operations, there was not one even considerable operation which would have been possible had the national government been unable to sustain itself as the dominant sea power. This, as respects the domestic situation. And yet in July, 1861, Secretary Seward did not hesitate to profess his implicit confidence in the ability of the national government both to overcome the Confederacy and successfully to meet any possible combination of European nations, or, as he himself put it, to "suppress rebellion and defeat invasion besides."¹ What then had he in mind when so frequently indulging in the metaphorical prediction that "a contest between Great Britain and the United States would wrap the world in fire"? This prediction, too, he now uttered when actively negotiating for the accession of the United States to what was known as the Declaration of Paris, by which "privateering is and remains abolished."

I am not aware that Secretary Seward ever, either in his correspondence or in any conversation of which we have a record, enlarged upon this subject in detail. In the course of a despatch to Mr. Adams, written on the morrow of Bull Run, he thus expressed himself: "If, through error, on whatever side, this civil contention shall transcend the national bounds and involve foreign States, the energies of all commercial nations, including our own, will necessarily be turned to war, and a general carnival of the adventurous and the reckless of all countries, at the cost of the existing commerce of the world, must ensue."² This is suggestive; but a more detailed and

¹ Barnes, *Thurlow Weed*, II. 410.

² To trace conjecturally the line of thought or reasoning pursued by Seward in the presence of the quite unforeseeable phases assumed by the course of events at this juncture has a distinct psychological interest, and is, moreover, essential to any correct understanding of his acts and utterances. Essentially an imaginative man, Seward had also, as Bancroft points out (II. 505), a strong emotional and sentimental side to his character. To this was largely due his unbounded faith in the spirit of nationality in the American people, and his impulse to an appeal to patriotism in presence of a domestic complication. This faith was in him unbounded, and found frequent and at times eloquent expression. It inspired, we know, the fine closing sentiment of Lincoln's first inaugural, with its poetic reference to the "mystic chords of memory" swelling the "chorus of the Union." Nicolay-Hay, III. 323, 343. [Later it caused Seward to write exhortingly to Mr. Sumner in the midst of a most acute crisis in our foreign relations: "Rouse the nationality of the American people. It is an instinct upon which you can always

fairly adequate idea of what was then in Seward's mind can perhaps be derived from the *Diary* of Mr. Welles, who himself

rely, even when the conscience that ought never to slumber is drugged to death." A passage of similar tenor is quoted by Bancroft (II. 183) from a despatch to Dayton: "Down deep in the heart of the American people — deeper than the love of trade, or of freedom — deeper than the attachment to any local or sectional interest, or partisan pride or individual ambition — deeper than any other sentiment — is that one out of which the Constitution of this Union arose — namely, American Independence — independence of all foreign control, alliance, or influence." With this faith in the possibility of an appeal to what he considered an irresistible power when aroused, Seward's memory insensibly went back to the traditions of the War of 1812, and his own impressions based on features of that struggle and recollection of its phases and incidents; for, born in May, 1801, Seward was at the impressionable age of fourteen when the war closed. The part then played by the American privateers is familiar history. Reverting to that national experience, Seward, like President Buchanan, appears to have reasoned somewhat as follows:

(1) "Our most effectual means of annoying a great naval power upon the ocean is by granting letters of marque and reprisal." (*Supra*, 28.)

(2) In certain emergencies, he declared, "we must let loose our privateers." (Welles, *Diary*, I. 437.)

(3) Finding their way to every sea, these privateers will "wrap the whole world in flames. No power so remote that she will not feel the fire of our battle and be burned by our conflagration." (Russell, *My Diary*, December 16, 1861.)

(4) Consequently, any struggle in which we may be involved will be "dreadful, but the end will be sure and swift." (*Seward at Washington*, II. 575.)

In pursuing some such line of reasoning, and in reaching this conclusion, Seward, as is now obvious, left out of consideration the vital fact that since 1815 steam had replaced canvas in naval operations. Jefferson Davis at the same time, but on the other side, made the same mistake. Sustained privateering was, therefore, possible in 1861 only for vessels propelled by steam. This the Confederacy early learned. So far as appears, it does not seem to have occurred to Secretary Seward that in case of hostilities with the leading nations of Europe practically every foreign port in the world would have been closed to American vessels. It would have been impossible for them to hold the sea. The blockade of the Confederacy would have been raised, and the loyal States would have been in turn blockaded. Under these circumstances, the American privateer, could it have kept the sea, would have had no port of a foreign country in which to get supplies or into which to send its prizes; and the ports of its own country, where machinery could have been repaired and coal obtained, would have been closed. Hence every inducement as well as facility for privateering would have ceased to exist. The ports of the Confederacy would meanwhile have been opened, with a consequent unobstructed movement of cotton to Europe, and a counter unobstructed movement of arms, munitions and stores to the Confederacy.

Under such circumstances, it would seem as if Secretary Seward indulged in a delusion no less deceptive and dangerous than that at the same time indulged in by Jefferson Davis over the potency of cotton as a finally controlling factor in modern politics as well as trade. The maintenance of the blockade of the Confederacy, in fact, was essential to the success of the national government; and, whatever else might have resulted from a foreign intervention, had it occurred during the Civil War, the United States would have lost its control of the sea and

seems to have participated to a somewhat inexplicable extent in the highly conflagratory confidence of his colleague. Secretary Welles certainly did not as a habit share the views of Mr. Seward; but none the less, writing at a period two years later and even more critical, he on this "wrap-the-world-in-fire" topic thus expressed himself:

A war with England would be a serious calamity to us, but scarcely less serious to her. She cannot afford a maritime conflict with us, even in our troubles, nor will she. We can live within ourselves if worse comes to worse. Our territory is compact, facing both oceans, and in latitudes which furnish us in abundance without foreign aid all the necessities and most of the luxuries of life; but England has a colonial system which was once her strength, but is her weakness in these days and with such a people as our countrymen to contend with. Her colonies are scattered over the globe. We could, with our public and private armed ships, interrupt and destroy her communication with her dependencies, her colonies, on which she is as dependent for prosperity as they on her. I was therefore in favor of meeting her face to face, asking only what is right but submitting to nothing that is wrong.

If the late despatches are to be taken as the policy she intends to pursue, it means war, and if war is to come it looks to me as of a magnitude greater than the world has ever experienced, — as if it would eventuate in the upheaval of nations, the overthrow of governments and dynasties. The sympathies of the mass of mankind would be with us rather than with the decaying dynasties and the old effete governments. Not unlikely the conflict thus commenced would kindle the torch of civil war throughout Christendom, and even nations beyond.¹

The condition of affairs opens a vast field. Should a commercial war commence, it will affect the whole world. The police of the seas will be broken up, and the peaceful intercourse of nations destroyed. Those governments and peoples that have encouraged and are fostering our dissensions will themselves reap the bitter fruits of their malicious intrigues. In this great conflict, thus wickedly begun there will be likely to ensue an uprising of the nations that will shatter

the blockade of the Confederacy would have been raised. It is difficult now to see how in such case the cause of the Union could have been sustained. If his reasoning was really that indicated by his utterances, official and familiar, and they were not for mere effect, Mr. Seward would on this subject seem to have been wrong in his every premise. He left out of his equation not only steam and electricity but a half century of scientific development.

¹ *Diary*, I. 258-259.

existing governments and overthrow the aristocracies and dynasties not only of England but of Europe.¹

Two men, mentally so differently constituted, thus concurred in what, involving as it did the mastery of the sea, cannot but impress the modern investigator as a singularly visionary and delusive hallucination. Nevertheless, it would seem that W. H. Russell was right when, on another occasion, he debated in his own mind whether Secretary Seward believed in the somewhat "tall" talk in which on this subject he was apt to indulge. After meditating the proposition carefully, Russell concluded that the Secretary really did have faith in the views he expressed.² Under the circumstances, it is difficult to avoid the conclusion reached by Secretary Welles in other connections, that Secretary Seward was in his mental make-up essentially visionary and erratic.³ He was also, as Mr. Sumner asserted, somewhat wanting in what is known as hard, common sense.⁴ Nevertheless, these characteristics again must be taken with qualifications. While Seward was visionary and to an exceptional and unfortunate degree addicted to prophetic utterance, yet, as a saving grace, he rarely allowed his visions to commit him to any action involving irretrievable disaster; while, as respects his erratic tendencies, when boldly challenged he became, as Mr. Welles asserted, "timid, uncertain, and distrustful";⁵ and, "while thus lacking in a dangerous tenacity of

¹ *Diary*, I. 251. The following passage from a speech delivered in the House of Representatives by Thaddeus Stevens, of Pennsylvania, December 30, 1861, is of a similar tenor. Mr. Stevens was chairman of the Committee of Ways and Means, and the entire speech is curiously suggestive of the rhodomontade very generally indulged in at that stage of the conflict:

"War is always a mighty evil. With England it would be especially deplorable. But war with all nations is better than national dishonour and disgrace. We should be better able to meet England in arms with the rebel States in alliance with her than if they were still loyal. They have a vastly extended defenceless frontier easily accessible by a maritime enemy. Most of the army and navy of the nation during the last war were required for its defence. If we were relieved from protecting them, we could use all our forces in other quarters. We should then do what we ought long since to have done — organize their domestic enemies against them, who would find themselves and their allies sufficient employment at home without invading the North. If such a deplorable war should be forced upon us we should do what we ought to have done in the last war — rectify our Eastern and Northern boundaries; and our banner would wave over freemen, and none but republican freemen, from the Gulf of Mexico to the Arctic Ocean, and from the Bay of St. Lawrence to Puget Sound."

² *My Diary*, April 4, 1861.

³ Welles, *Diary*, I. 11, 275.

⁴ *Ib.*, 285.

⁵ *Ib.*, 153, 154.

purpose, he was naturally disposed to oblique and indirect movements. With an almost phenomenal quickness of apprehension, however, he possessed "wonderful facility and aptness in adapting himself to circumstances and exigencies which he could not control, and a fertility in expedients, with a dexterity in adopting or dismissing plans and projected schemes, unsurpassed."¹ Very similar conclusions in these respects were reached by Mr. Bancroft, when he wrote in his *Life*: "There was in Seward's nature so much that was emotional and sentimental aside from what was subtle, and it was so common for him to seek to accomplish his purpose by indirect means, that it is often impossible to distinguish impulse from calculation."²

Reverting now to the narrative, it is well to bear in mind that, at the very hour Russell's description of the call at the State Department was recorded, the crisis was impending; seventeen days later only "the strength of the Union" was to be brought to bear against the Confederacy, with results which would render it difficult to deny the latter the status of a beligerent. Our somewhat hastily improvised and extremely vain-glorious martial array was to be chased back to Washington in panic flight by "the power existing in pronunciamiento only."

So much for the situation as, in the period of this episode, it affected Seward's mental operations and plans of procedure. There can, I think, be no reasonable doubt of the program he had in mind up to Bull Run; but, five months later, that program and the sequence of events were clearly set forth by Lyons in a despatch to Earl Russell, dated December 6, 1861, and received in London December 25th, at the very crisis of the subsequent *Trent* affair. Lyons wrote:

A great deal of the space [in the diplomatic correspondence accompanying the President's message that day published] devoted to [England and France] is occupied by the negotiations concerning the adherence of the United States to the Declaration of Paris. Mr. Adams writes frequently and at great length concerning his misapprehension of your Lordship's intentions as to transferring the negotiation to Washington. The simple explanation of this misapprehension is, that Mr. Seward refused to see the despatch in which your Lordship's proposals were made. Your Lordship will recollect that Mr. Seward, having been permitted by M. Mercier and me to

¹ Welles, *Lincoln and Seward*, 43.

² Bancroft, II. 505.

read and consider in private that despatch, and a despatch of a similar tenor from the Government of France, refused to receive the formal copies we were instructed to place in his hands, or to take any official notice of their contents. . . . From several of the papers now published, it appears that it was only an act of common prudence, on the part of the Governments of Great Britain and France, not to accept the accession of this country to the Declaration of Paris, without stating distinctly what obligations they intended by doing so to assume with regard to the Seceded States. Little doubt can remain, after reading the papers, that the accession was offered solely with a view to the effect it would have on the privateering operations of the Southern States; and that a refusal on the part of England and France, after having accepted the accession, to treat the Southern privateers as pirates, would have been made a serious grievance, if not a ground of quarrel. . . . In the letter from Mr. Seward to Mr. Dayton of the 22d June, the following passage occurs: "We shall continue to regard France as respecting our Government until she practically acts in violation of her friendly obligations to us, as we understand them. When she does that, it will be time enough to inquire whether if we accede to the Treaty of Paris she could, after that, allow pirates upon our commerce shelter in her ports, and what our remedy should then be. We have no fear on this head."

Had, therefore, the movement to Bull Run resulted differently, as Mr. Seward confidently believed it would, he had it in mind then to assume an aggressive attitude, boldly disclosing his ultimate object. He would insist on United States sovereignty, and the outlawing of all Confederate cruisers as pirates under the laws of the United States become operative as respects them by virtue of the adhesion of that country to the Declaration of Paris.

But, weeks before the 21st of July, and its catastrophe, the Declaration of Paris negotiation had passed out of Seward's hands into the hands of Messrs. Adams and Dayton. Their personalities and views of the situation have next to be considered.

Mr. Adams seems to have approached the negotiation in perfect good faith, holding that the articles of the Declaration of Paris were right in themselves, constituting a distinct advance in international law; and, being right, they should be acceded to by the United States on their merits and in good faith. He did not contemplate an ulterior move; had no eye

to possible impending complications; nor did he apparently grasp Seward's scheme in all its consequences. He, therefore, proceeded in a straightforward way to negotiate the accession of the United States to the Paris Declaration. In so doing he acted as it was incumbent on a diplomatic agent to act. He carried out his instructions in a spirit of obedience, and with unquestioning loyalty to his chief.

Mr. Dayton otherwise viewed the thing proposed. He apprehended early trouble between the United States and Great Britain, and considered that in such contingency privateering was a weapon of aggressive warfare which the United States should on no account abandon. He was, therefore, most reluctant to carry out his instructions, and did so only when they reached him in positive and explicit terms.

What policy and scheme of subsequent, alternative action were in Secretary Seward's mind when he forwarded those instructions, looking to the adherence of the United States to the Articles of the Declaration of Paris "pure and simple" can only now be matter of surmise. One thing would seem apparent. Secretary Seward at this juncture looked forward to serious foreign complications as at least probable. Neither in case of such complications does he seem to have proposed in any event so to commit the United States that in case of emergency a recourse could not be had to privateering as an effective weapon in warfare, especially in the case of Great Britain. On the contrary, both in his own utterances and in the *Diary* records of Secretary Welles a resort to letters of marque in the event of a foreign complication when the world would be "wrapped in fire" seems to be assumed as a matter of course.¹

In the absence of any direct avowal, which could, under the circumstances, hardly be looked for, the inevitable inference, therefore, is that in such eventuality the American Secretary of State, with his "wonderful facility and aptness in adapting himself to circumstances and exigencies which he could not control," and his "fertility in expedients, combined with dexterity in adopting or dismissing plans and projected schemes,"²

¹ A most annoying and destructive weapon of warfare, the "wolves of the sea" were bitterly denounced by the American Secretary of the Navy at the very time when, in case of a conflict with Great Britain, recourse would, he declared, be had to "letters of marque and every means in our power." *Diary*, I. 250.

² Welles, *Lincoln and Seward*, 43.

proposed to extricate himself from a commitment then become undesirable by asserting that through their refusal to recognize the cruisers of the Confederacy as pirates the foreign powers had themselves disregarded the Declaration of Paris with respect to privateering, thus releasing the United States from its obligations.

Through such confusion of thought and juggling of phrases the Secretary of State apparently saw a path clear before him in any eventuality. The United States was to find itself free to a recourse to what in the absence of the Declaration of Paris had always been regarded as a legitimate method of warfare. As usual, the onus of the violated obligation would have been transferred to the other parties thereto.

The British representative at Washington, Lord Lyons, was the only *dramatis persona* in these negotiations remaining to be considered. Of him it may fairly be said that his course throughout seems to furnish no ground for criticism. Placed in a most difficult position, and apparently at times treated by Mr. Seward with scant personal and official courtesy, he bore himself with quiet dignity, preserving an even temper and performing admirably his duties. His reports and despatches have not as yet been made accessible in full; but, so far as appears, acting loyally to his chief and paying obedience, both strict and tactful, to his instructions, he kept the British Foreign Office accurately and fully informed as to the course of events. Moreover, he seems to have understood his opponent, correctly divining his plan of operations and ulterior purpose. That he distrusted Mr. Seward and considered him very capable of covert dealing was well understood in Washington. This was the case to such a degree that Mr. Sumner told Secretary Welles that the British Minister had given him to understand that he was "cautious and careful in all his transactions" with the Secretary, and that he "made it a point to reduce all matters with Seward of a public nature to writing."¹ Nevertheless, owing doubtless to his tact, good temper, and the confidence in himself Lord Lyons had inspired, Mr. Welles later on recorded the following belief: "To a mortifying extent Lord Lyons shapes and directs, through the Secretary of State, an erroneous policy to this government. This is humiliating, but true."²

¹ Welles, *Diary*, I. 288.

² *Diary*, I. 399, 409.

That, in the case of Mr. Seward, the judgment of Gideon Welles was biased and almost invariably harsh and unfavorable, is apparent. He is a prejudiced witness. None the less, a shrewd and incisive judge of character, and a very honest man, the Secretary of the Navy saw things in Lincoln's cabinet from the inside, — his sources of information were the best and most direct. That he was misinformed as to foreign affairs and not infrequently mistaken as well as rash in his judgments concerning them, is apparent from his contemporaneous records; and yet, making all possible allowance on these heads, it is not easy to see how a higher official tribute than that here paid by him could well have been paid to the Minister of a foreign country during a most critical period.

Perhaps, however, the best résumé of the situation in June, 1861, so far as Lord Lyons was concerned, is to be found in W. H. Russell's *Diary*. He there (chapter XLIV) records the fact that returning from his trip through the Confederacy, and reaching Washington on the 3d of July, he found Lord Lyons at the British Legation, and was sorry to observe that he looked "rather careworn and pale." As a result of what he then learned he further stated that Mr. Seward, as the Southern Confederacy developed its power, assumed ever higher ground, and became more exacting and defiant. He went on as follows, referring to what had recently taken place:

Mr. Seward has been fretful, irritable, and acrimonious; and it is not too much to suppose Mr. Sumner has been useful in allaying irritation. A certain despatch was written last June, which amounted to little less than a declaration of war against Great Britain. Most fortunately the President was induced to exercise his power. The despatch was modified though not without opposition, and was forwarded to the English Minister with its teeth drawn. Lord Lyons, who is one of the suavest and quietest of diplomatists, has found it difficult, I fear, to maintain personal relations with Mr. Seward at times. Two despatches have been prepared for Lord John Russell, which could have had no result but to lead to a breach of the peace, had not some friendly interpositor succeeded in averting the wrath of the Foreign Minister.¹

So far as the second, third and fourth articles of the Declaration of Paris were concerned, they in the negotiation now

¹ Russell, *Diary*, 377.

carried on presented no difficulty. The question turned wholly on the first, — that is, "Privateering is and remains abolished." As respects this, the battle of Bull Run entirely changed the diplomatic situation. After July 21, 1861, it was practically out of the question to deny that the Confederates were belligerents, and, on land or sea, to be treated as such. Nevertheless, the attempted confusion of Confederate cruisers duly commissioned, with privateers sailing under letters of marque, and these with piracy, was pressed until the following October. Then at last those captured on one of the Confederate commerce-destroyers were brought to trial, and a member of the crew of the *Jeff Davis* was convicted and sentenced to death.¹ Of course the sentence was not executed; and the farce, prolonged as such since July 21, then came to a close; and with it one of Seward's most involved diplomatic schemes.

The United States simply had to back down; or, as Seward the day following the battle wrote to his wife, — "nothing remains but to reorganize and begin again."²

The European negotiations had, however, already languished to a conclusion, all the diplomatic formalities being duly observed. Before the tidings of the catastrophe of July 21 reached Europe, the negotiation had come to a head. A formal convention was concluded (July 18) for the adhesion of the United States to the Declaration of Paris, and awaited signature; but on July 31st Earl Russell, just as the news of what had occurred at Bull Run was about to reach London, took occasion to notify Mr. Adams that, if the proposed convention should be signed, the engagement on the part of Great Britain would be "prospective," and would "not invalidate anything already done." In transmitting the correspondence to Secretary Seward, Mr. Adams somewhat naïvely observed that he did not understand the meaning of this phrase. In other words, it would appear that the ingenious confusion of terms — belligerency, sovereignty, insurgency, Confederate cruisers, letters of marque, privateering, pirates and piracy, the last five being in the plan of Mr. Seward interchangeable — the significance, I say, of this confusion of terms had not occurred to the American negotiator. It was, however, very present in the minds of both the British

¹ Rhodes, III. 429; Nicolay and Hay, v. 10.

² *Seward at Washington*, II. 600.

Foreign Secretary and the American Secretary of State. But at just this juncture, and while Mr. Adams was meditating the problem, tidings reached him of what had occurred in front of Washington on the 21st of the previous month. This was on August 4th; and the American negotiator had good occasion to write in his diary, "Thus a change is made in all our expectations, and the war from this time assumes a new character. My own emotion is not to be described."

Applying to Secretary Seward for further instructions, Mr. Adams was presently advised that the word "prospective" in Earl Russell's enigmatic statement was considered "unimportant"; but the declaration that the signature of the convention should "not invalidate anything already done" was suggestive of difficulties. Would Earl Russell kindly specify? This despatch did not reach Mr. Adams until after August 28th, — twenty-four days after the news of Bull Run had got to London, establishing the fact of Confederate belligerency beyond peradventure. Mr. Adams had then as the result of further correspondence already received a despatch from Earl Russell, prepared evidently in the full light of the recent military occurrence which had worked a change so material in all the American minister's "expectations." This despatch was conclusive. So far as "specification" was concerned, it certainly left nothing to inference. Earl Russell now wrote:

It was most desirable in framing a new agreement not to give rise to a fresh dispute.

But the different attitude of Great Britain and of the United States in regard to the internal dissensions now unhappily prevailing in the United States gave warning that such a dispute might arise out of the proposed convention.

Her Majesty's Government, upon receiving intelligence that the President had declared by proclamation his intention to blockade the ports of nine of the States of the Union, and that Mr. Davis, speaking in the name of those nine States, had declared his intention to issue letters of marque and reprisals, and having also received certain information of the design of both sides to arm, had come to the conclusion that civil war existed in America, and Her Majesty had thereupon proclaimed her neutrality in the approaching contest.

The Government of the United States, on the other hand, spoke only of unlawful combinations, and designated those concerned in them as rebels and pirates. It would follow logically and consistently,

from the attitude taken by Her Majesty's Government, that the so-called Confederate States, being acknowledged as a belligerent, might, by the law of nations, arm privateers, and that their privateers must be regarded as the armed vessels of a belligerent.

With equal logic and consistency it would follow, from the position taken by the United States, that the privateers of the Southern States might be decreed to be pirates, and it might be further argued by the Government of the United States that a European power signing a convention with the United States, declaring that privateering was and remains abolished, would be bound to treat the privateers of the so-called Confederate States as pirates.

Hence, instead of an agreement, charges of bad faith and violation of a convention might be brought in the United States against the power signing such a convention, and treating the privateers of the so-called Confederate States as those of a belligerent power.

Not unnaturally, in view of the facts which have here been recounted, and the inferences almost necessarily to be drawn from them, Secretary Seward in due time (September 7th) pronounced the proposed reservation quite "inadmissible." And here the curtain finally fell on this somewhat prolonged and not altogether creditable diplomatic farce.¹

What, however, now seems more particularly to deserve attention in a study of this episode is the extreme danger apparently incurred therein by the United States. Indeed, without its being realized by any one, the country then seems to have practically challenged a greater peril than ever confronted it, with a single exception, through the succeeding years. All, in fact, depended upon the good faith of Earl Russell in pursuance of his policy of neutrality. Earl Russell, by great good luck, chanced to be a conventional British statesman; but had he been a man more of the Bismarckian type, and seen the situation clearly, the result would, if Mr. Henry Adams's view of the situation is correct, have been inevitable. He, in his paper, assumes, and undertakes to show, that Earl Russell throughout this episode acted evasively, practically in bad faith, and with an ulterior and concealed end always in view. That end was

¹ [In his annual message to Congress in December, 1861, President Lincoln said: "Although we have failed to induce some of the commercial powers to adopt a desirable melioration of the rigor of maritime war, we have removed all obstructions from the way of this humane reform except such as are merely of temporary and accidental occurrence." Ed.]

the early recognition of the Confederacy, and a consequent division of the United States. From the outset, as Mr. Henry Adams asserts, Earl Russell wanted to put the American Minister in the position of representing a portion only of a divided country, and there hold him.

But if this assumption is correct, the whole game was, in the negotiation which has been described, thrown by Secretary Seward into Earl Russell's hands. All the latter had to do was at once to accede to the proposal of the United States, and admit it by convention to the Articles of the Declaration of Paris. He would then have left the Secretary of State to get the assent of the Senate to that convention; which, however, Lord Lyons had already advised would, under the circumstances, be very difficult to obtain. This, however, a Bismarckian diplomat, if Mr. Henry Adams's theory as to the attitude of Russell and the British ministry is correct, would not have regarded. It would, in fact, in no way have concerned him. He would simply have acknowledged the right to accede, and claimed that, so far as the United States was concerned, "Privateering was and would remain abolished" thereby.

The next inevitable step would have followed, and that soon. Seward, as Secretary of State, would have insisted that the United States spoke for the Confederacy, and, the Confederacy not being a belligerent recognized by the United States, the letters of marque issued by it constituted a license for piracy under the American law; and the American law on that point must be held to prevail. The cruisers of the unrecognized *de facto* government had consequently no status on the ocean. They were not even privateers within the purview of the Declaration of Paris. They were simply pseudo-commissioned corsairs. A year later he angrily referred to them as "piratical cruisers," the presence of which on the ocean seemed "to leave to the United States at most no hope of remaining at peace with Great Britain without sacrifices for which no peace could ever compensate."¹ And again seventeen months later, under date of December 8, 1862, he said that up to a time shortly before, there was "a prevailing consciousness on our part that we were not yet fully prepared for a foreign war.

¹ Geneva Award Record, *Correspondence concerning Claims against Great Britain*, October 20, 1862, I. 260.

This latter conviction is passing away. It is now apparent to observing and considerate men that no European state is as really capable to do us harm as we are capable to defend ourselves. . . . The whole case may be summed up in this: The United States claim, and they must continually claim, that in this war they are a whole sovereign nation, and entitled to the same respect as such that they accord to Great Britain. Great Britain does not treat them as such a sovereign, and hence all the evils that disturb their intercourse and endanger their friendship.”¹

Assuming this attitude a year earlier, — and it apparently was Seward’s next projected move on the diplomatic chess-board, as the pieces stood thereon after the firing on Sumter and before the Bull Run catastrophe, — the plain opportunity would then have presented itself to the Bismarckian statesman having the program in view which Mr. Henry Adams attributes to Earl Russell. The reply would have been an immediate and emphatic, “Very well; all that being so, we will now recognize the Confederacy as a member of the family of nations. After that, there can be no question whatever as to public commerce-destroyers, privateers or pirates. Every vessel sailing under its flag will be as much a public ship of war as one sailing under the flag of the United States. But, so far as the United States is concerned, ‘Privateering is, and remains, abolished!’”

Seward would, by his course, have thus brought about the very result the United States had greatest cause to apprehend and most desired to avoid. In other words, he would have fallen headlong into the somewhat obviously yawning pit he had elaborately designed for others.

How perilously near the country came to the verge of that pit is made apparent in Mr. Bancroft’s account of what was known as the Consul Bunch incident,² which occurred contemporaneously. Into the details of this incident it is not necessary here to enter. It is sufficient to say that while the negotiation for the adhesion of the United States to the Declaration of Paris was in progress in Europe, Robert Bunch, British Con-

¹ Geneva Award Record, *Correspondence concerning Claims against Great Britain*, October 20, 1862, I. 261.

² *Seward*, II. 195-203.

sul at Charleston, was carrying on something bearing a strong resemblance to a diplomatic intrigue looking to a partial adhesion at least of the Confederate Government to the same Declaration. The fact came to the knowledge of Secretary Seward, and the papers and despatches of Consul Bunch were at the proper time intercepted. Subsequently they were forwarded, through Mr. Adams, to the British Foreign Office. From these papers it appeared that Mr. William Henry Trescot of South Carolina, who had previously been in the diplomatic service of the United States, was now serving as an intermediary between Consul Bunch, acting on an intimation from Lord Lyons, and Jefferson Davis, looking to an understanding to be effected with the Confederacy.

A new and extremely interesting *dramatis persona* here enters on the scene; the strong individuality of Mr. Davis must now be taken into account. Mr. Trescot met Davis at Gordonsville, Virginia, while the latter, naturally elated over the victory just won, was on his way back to Richmond fresh from the Bull Run battle-field. Mr. Bancroft then says that a certain dissatisfaction at the way in which the negotiation now proposed to him had been opened seemed to cloud Davis's perception of the possible advantage to be derived from it. Instead, therefore, of at once acceding to the suggestion, and thereby establishing quasi relations with the governments of England and France, Davis merely gave to the proposition a general approval, promising to refer the question to the Confederate Congress. This he subsequently did; and the Congress, in August, 1861, passed a series of resolutions, drafted, it is said, by Davis himself,¹ approving all the Articles of the Declaration of Paris except that referring to privateers. The right of privateering was, however, especially emphasized, and reserved.²

¹ Nicolay and Hay, iv. 279.

² [Journal of the Congress of the Confederate States of America, i. 341. These resolutions were substituted, and apparently somewhat hastily, for others which had recently been adopted by the Congress. The *Journal* shows that on July 30 Mr. Hunter of Virginia introduced a preamble and resolutions defining the position of the Confederate States on points of maritime law, as laid down by the Congress of Paris of 1856, which were referred to the Committee on Foreign Affairs. On August 2 Mr. Rhett reported them back to the House, with a recommendation that they pass. Six days after, on motion of Mr. Barnwell, the special order was postponed to consider those resolutions, and the House passed them. On the 9th Mr. Memminger, by unanimous consent, moved to reconsider the vote,

This seems to be a somewhat inadequate disposal of what was in reality a crucial matter.¹ It would really almost seem as if a special Providence was then safeguarding the American Union equally against the blunders of its friends and the machinations of its enemies. The fact is that Jefferson Davis was at just this juncture obsessed with three accepted convictions, each one of which in the close proved erroneous; but the three together dictated his policy. These convictions were: (1) that the decisive military success just won at Manassas was final as respects the establishment of the Confederacy as an independent nationality; (2) that the control of cotton as a commercial staple put it in the power of the Confederacy to dictate a foreign policy to the European powers; and (3) that the free issuance of letters of marque to privateers was a terribly destructive weapon of warfare in the hands of the insurgent States. On these factors in the situation he now implicitly relied; and time was yet to show him that, combined, they were but a broken reed. Davis was, however, an essentially self-centred and, in his way, an opinionated man. Implicitly believing he now saw his way clearly, he acted accordingly; and what, differently handled, might have proved a great opportunity for the Confederacy, wholly escaped, unseen and neglected.

For, in the full light of subsequent developments and disclosures, it is not difficult to see how a somewhat less self-confident and provincial President of the Confederacy, and a somewhat more astute and clear-sighted British Secretary of Foreign Affairs, would, under conditions then existing, have availed themselves of this opportunity to bring about the result which Mr. Henry Adams asserts Earl Russell from the beginning had in view. But for the good faith of Earl Russell in following out his policy of strict neutrality, and the apparent overconfidence indulged in by Davis in consequence of the recent Confederate success at Bull Run,² the way lay open to a direct

and the resolutions were laid on the table. August 13 Hunter submitted a new set of resolutions as a substitute for those on the table, and the House acted at once. The earlier resolutions were not printed in the *Journal*. Ed.]

¹ See also Nicolay and Hay, iv. 278-280, where the whole Declaration of Paris negotiation, including the Bunch incident, receives in my judgment a treatment both inadequate and mistaken. When that work was prepared, the facts of the situation had been but imperfectly disclosed.

² "There grew up [after the Battle of Bull Run] all over the South such a

and full recognition of the Confederacy. The inchoate negotiation initiated by Consul Bunch was by him regarded as the first step in that direction; and, as Mr. Trescot pointed out to Davis, if Mr. Seward's loudly proclaimed threat was carried out, that such recognition would be regarded by the United States as a *casus belli*, Great Britain and France must, as a succeeding and final step, be brought into the struggle as allies of the Confederacy. As a result thereof the world might, as Mr. Seward confidently anticipated, "be wrapped in fire"; but the blockade would surely be raised! Jefferson Davis was yet to learn that, with the blockade in force, no port for prizes was open, and privateering was, consequently, *pro hac vice*, an antiquated and useless weapon in the armory of warfare. If then it were abandoned by the Confederacy as the price of such an alliance as that now suggested, the Confederate British-constructed cruiser would, with its prizes, have free ingress to and egress from the ports not only of the Confederacy but of Great Britain and France. However this might or might not have proved the case, one thing is apparent: If the motive and policy of the Palmerston-Russell Government was in the Summer of 1861 what Mr. Henry Adams so confidently asserts, no better opportunity of reaching the end it had in view ever presented itself than was presented in the course of the proceedings which have just been described.

Fortunately for the United States, the policy at this juncture pursued by Earl Russell was far more straightforward, above-board and direct than at the time he had credit for, especially in America, or than the American Minister in London then, or Mr. Henry Adams since, has credited to him.¹ In other words,

perfect confidence in its strength and its perfect ability to work its own salvation that very little care was felt for the action of Europe. In fact, the people were just now quite willing to wait for recognition of their independence by European powers, until it was already achieved." De Leon, *Four Years in Rebel Capitals*, 130.

¹ Mr. Adams, apparently as the result of later experience and calmer reflection, saw occasion to revise his opinion of Earl Russell's motives and official action. In his opinion, as one of the Geneva Board of Arbitration, on the case of the *Florida*, he expressed himself as follows: ". . . I hope I may not be exceeding my just limits if I seize this occasion to do a simple act of justice to that eminent statesman. Much as I may see cause to differ with him in his limited construction of his own duty, or in the views which appear in these papers to have been taken by him of the policy proper to be pursued by Her Majesty's government, I am far from drawing any inferences from them to the

so far as the record shows, Earl Russell, at that time at least, meant what he said, and carried himself accordingly. Mr. Henry Adams, on the contrary, writing so lately as 1907, has expressed his conviction that Earl Russell's management of the Declaration of Paris negotiation "strengthened the belief that [he] had started in May, 1861, with the assumption that the Confederacy was established . . . and he was waiting only for the proper moment to interpose." This, Mr. Henry Adams further asserts, seemed at the time so self-evident that no one then in the American London Legation would have doubted the proposition "except that Lord Russell obstinately denied the whole charge, and persisted in assuring Minister Adams of his honest and impartial neutrality."¹ If this was indeed the case, it can in the full light of subsequent revelations only now be concluded that the British Foreign Secretary was either truthful in his asseverations, or that in August, 1861, he failed to avail himself of a most admirable opportunity to carry out his fixed policy, and most effectually to "interpose."

Meanwhile, the confusion of speech intentionally created for an ulterior purpose by Seward in May and June, 1861, has continued indefinitely. Take our associate Mr. Schouler, for instance. In his *History* he says: "the Palmerston ministry connived presently at an evasion by which such vessels ceased strictly to be 'privateers' by receiving commissions from Jefferson Davis as regular war-vessels of the Confederacy."² And yet the distinction here referred to was manifest, fundamental and universally recognized.³ The *Sumter* and the *Alabama*, for instance, were constantly referred to in the papers and memoirs of the time, sometimes as "privateers" and at other times as "pirates." The *Sumter*, as already pointed out, was a commissioned Confederate cruiser, hailing from a Confederate port, and making its way to sea through a block-

effect that he was actuated in any way by motives of ill-will to the United States, or, indeed, by unworthy motives of any kind. If I were permitted to judge from a calm comparison of the relative weight of his various opinions with his action in different contingencies, I should be led rather to infer a balance of good-will than of hostility to the United States." *Papers relating to the Treaty of Washington*, IV. 162.

¹ *Education of Henry Adams*, 128.

² *History of the United States*, VI. 126. Also *Seward at Washington*, II. 625.

³ Moore, *Digest*, VII. 543-558.

ading squadron.¹ On the other hand, the single weak point in the *Alabama's* position was that, built and equipped at public Confederate cost, it had no home port of record, — that is, built in England and equipped in a neutral harbor of refuge, though sailing under Confederate colors it had never entered a Confederate port. It was, however, duly commissioned by a *de facto* government, and a belligerent recognized as such on land even by the United States. Except in that single respect of a home port, it was a regularly commissioned ship-of-war, — just as much so as the *Kearsarge*. That a ship-of-war, the property of a *de facto* government engaged in active war, was built evasively of law in a private ship-yard of a neutral country, and throughout its entire life never entered a harbor of the belligerent in whose service she sailed, certainly constituted an anomaly. A naval anomaly is, however, not necessarily piracy; nor is it at once apparent how a clause to that effect could, to meet a novel case, be read into the accepted treatises on international usage. British in origin, equipment and crews, the Confederate cruisers were homeless wanderers of the sea engaged in an irregular, not to say discreditable work of destruction — a work very similar in character to the wanton destruction of property by fire during a military raid. They were, however, still cruisers — ships of war — publicly owned and duly commissioned. In no respect privateers, they would not under any recognized interpretation of language have come within the Declaration of Paris inhibition of privateering. Neither, while engaged in a somewhat piratical work, were they in any common acceptance of the term pirates. Sailing under a recognized flag, they confined their ravages strictly to the commerce of an avowed belligerent. They were not common enemies of mankind. Semmes and his sailors were, in a word, pirates under the municipal law of the United States only in the same way and to the same extent that Gen. J. H. Morgan

¹ The case of the *Sumter* subsequently led to a long diplomatic correspondence on the point referred to in the text. In his *Digest* (sec. 1315) Moore says: "Special attention may be directed to the note of Baron Van Zuylen of September 17, 1861, as a singularly forcible and able discussion of the question of asylum." "Mr. Seward, writing to Mr. Pike [our Minister to the Netherlands] on the 17th of October [1861], declared that the *Sumter* 'was, by the laws and express declaration of the United States, a pirate,' and protested against her receiving the treatment of a man-of-war." Moore, *Digest*, VII. 986.

and his troopers when raiding in Ohio and Indiana, immediately after Gettysburg, were, under the same law, bandits.¹

It is, it is true, well established, and was then notorious, that when the Civil War began the Confederate authorities deliberately proposed to make Great Britain the basis of systematic naval operations directed against the United States. This was distinctly contrary to the principles of international comity, if not law; and yet, incredible as it now seems, the English courts in the case of the *Alexandra* maintained that practically, and subject to certain almost formal legal observances, it was a legitimate branch of British industry! Such an attitude on the part of an English tribunal seems now incredible. Yet it was then gravely assumed,² and constituted for us a sound basis for our subsequent demand for indemnity. No neutral nation, of course, has a right under any circumstances to permit itself to be made a naval base for operations against a country with which it is at peace; but its so doing does not transform an otherwise recognized weapon of warfare into a crime against the human race.

Thus, according to my present understanding of what then occurred, no ground appears for criticism of either Earl Russell or Mr. Adams in connection with the abortive negotiation of 1861. Earl Russell, adhering strictly to his policy of neutrality in the American conflict then in progress, was compelled to have recourse at times to what in the eyes of Mr. Adams seemed to be disingenuous evasions; but this was in order to avoid proposed commitments of the character and purport of which the Foreign Secretary had been advised by Lord Lyons. The record reveals nothing to justify a suspicion of Earl Russell's ulterior purposes entertained by Mr. Adams at the time, or which confirms the inferences and conclusions of Mr. Henry Adams since. As to Mr. Adams, he seems to have proceeded throughout with a direct straightforwardness and manifest good faith which at the time impressed Earl Russell with a feeling of confidence

¹ Rhodes, v. 313-316.

² "From the ruling of the judge it appeared that the Confederate Government might with ease obtain as many vessels in this country as they pleased without in any manner violating our laws. It may be a great hardship to the Federals that their opponents should be enabled to create a navy in foreign ports, but, like many other hardships entailed on belligerents, it must be submitted to." London *Morning Post*, August 10, 1863.

productive thereafter of most beneficial results. Fully believing in the soundness of the policy proposed,¹ and paying no attention to the freely expressed doubts, fears, and otherwise-minded conclusions of his colleagues and compatriots in Europe at that juncture, somewhat obtrusively thrust upon him,² Mr.

¹ *The American Case, Geneva Arbitration*, 1. 77.

² [A striking example of this distinctly impertinent intrusiveness at that period of the poaching diplomat on the preserves more especially assigned to the supervision of Mr. Adams (see Adams, *Studies, Military and Diplomatic*, 363-367) was in this connection afforded by Gen. James Watson Webb, appointed Minister to Brazil. On his way to his post, by way of London, General Webb had an interview with the British Foreign Secretary. Of what passed in this interview, he at the time gave the following account in a letter to President Lincoln, dated Southampton, August 22, 1861:

"Yesterday I spent at Pembroke Lodge, with Lord John Russell and . . . we talked for two hours steadily on American affairs. . . . I am opposed *in toto* to the proposition of our Government to agree to a surrender of our right to issue letters of marque, and send forth privateers in time of war; because the time of making it exhibited weakness; because it cannot have the slightest influence upon the pending questions, and because the Senate should and would reject such a treaty, if made; and because I honestly and sincerely believe, that such a treaty would be political ruin to both you and Mr. Seward; and with my friendship for both of you, and a knowledge of the People gained in thirty-four years of editorial life, it would be weak and criminal in me, if I did not frankly say to both of you what I think; and then let the matter rest.

"Therefore I write this unofficial letter to you instead of Seward; with a request, however, that after reading it you will submit it to him for perusal. By that time I shall be on my way to the far South [Brazil]; and if either of you do not like my letter, commit it to the flames. And, in fact, if the subject be not of interest, I shall not complain if you burn it without reading.

"I told Lord John, that when Earl Ellesmere and other English statesmen at Hatchford, just before I went to Paris, said we had *refused* to unite in putting down privateering, I insisted that we never had refused our sanction to the proposition; but on the contrary, cheerfully accepted of it, *conditioned* that the European Powers would make it more philanthropic by rendering all *private* property afloat on the ocean sacred from assault in time of war as well as in peace. Lord John replied, 'You were right; it was we who refused to put down privateering if by so doing all private property became sacred in time of war. England, you know, could not consent to that.' 'Certainly not; and I justify you as an English statesman, in consulting the interests of England by refusing your assent to our rider on your bill. Of what use would be your enormous navy, if in time of war you may not employ it against the commerce of the enemy? But what it is wise and commendable for you to do for the benefit of English interests, it is equally wise in us to do in self-defence. You refuse to respect private property belonging to your enemy in time of war, because it *is not your interest so to do*; and we refuse to put down privateering unless you go a step further, not because we have any especial love for privateering, but because it is necessary for our defence against your enormous navy, which you are compelled to keep up, and which France forces you to augment. Your Lordship knows that it is contrary to the genius of our people and the public sentiment, to keep up a large standing army, or a great naval force in time of peace; and, therefore, as I explained to

Adams carried out his instructions with unquestioning good faith. There is, however, now reason to surmise that he did

Lord Ellesmere and his friends at Hatchford, and to Napoleon at Fontainebleau, we resort to *volunteers* in time of war. You do not object to our volunteers on land, why do you so to our marine volunteers, known as "privateers"? When we call land volunteers into service, we make them subject to our rules and articles of war; and when we call out our naval volunteers, we in like manner render them subordinate to the rules and regulations for the government of the navy. There is no difference between the two arms, except that the naval volunteers — the privateers — are the most *national* of the two. The officers of the land or army volunteers serve under commissions granted by the *State* authority; while in all cases, the officers commanding a privateer (our naval volunteers) are commissioned by the general government. They are, in fact, as much and more a part of the navy, as the volunteer force is a part of the army; and they render unnecessary a large navy in time of peace. War always, more or less, interferes with or altogether suspends commerce; and in time of war we invite our commercial marine to volunteer for naval service, under commissions granted by the Government, and subject to naval regulations, by holding out as an inducement the possession of all the prizes they capture. This, in the event of a war with England and the employment of our immense commercial marine, would soon put us in a position to do as much injury to your commerce as you, with your immense navy, could inflict upon ours. But let us give up the right to employ privateers, or in other words, *our* right to accept of volunteers in our naval service, and the English merchant, instead of finding it his interest to be at peace with us, would have offered him a bounty to urge the Government to war; because, with your superior naval force, you would soon drive us from the ocean and monopolize the commerce of the world.' Lord John laughed very heartily at all this and said, 'but we never asked you to dispense with privateering. The Paris conference made the suggestion, and it was not for *us* to refuse a good thing; besides, we conceded what you had so long demanded, that free ships should make free goods. But did you say all this to the Emperor?' 'Aye, and more. I expressed my astonishment that *he* should have given his assent to a proposition so palpably designed to increase the naval supremacy of England, that *it was clearly of English* origin, no matter who brought it forward.' 'And yet,' said Lord John, 'he *did* assent to it, and is in favor of it.' 'That by no means follows. He had the sagacity to perceive that our people never would assent, and, therefore, it was wise and diplomatic in him not to oppose England in her project. I do not say that such is his view of the subject; but we both know that it would have been wise and diplomatic for him so to have acted; and in so much as he is both wise and diplomatic, his having given his assent to the proposition by no means proves him to be in favor of it. My own opinion is that he would hold us in contempt and never forgive us, if we were to prove untrue to ourselves and give England this great advantage over France as well as ourselves.' Lord John then went on to say, that altogether too much importance has been given to the subject, 'but as your present Government desire it, we will make the treaty, even if, as you say, it is certain to be rejected.' I said, I hoped not, because its rejection would only lead to other complications and discussions. He replied, 'Not a bit of it. I am perfectly willing the treaty should be rejected, because I have long been of opinion that no treaty stipulations would be of any avail. War once commenced, you would only have to call your privateers "the volunteer navy," or some other equally appropriate term, instead of "privateers," change somewhat the regulations with the name, and according to your own argu-

not fully divine the purpose of his chief, being happily on that point less fully and correctly advised than Earl Russell, then Her Majesty's Secretary for Foreign Affairs.

As to Secretary Seward, the policy he at this juncture advocated, both directly and indirectly, as well as his utterances in pursuance thereof, are more difficult to explain. As is apparent from what has already been said, they invite analysis; and, when analyzed, they are provocative of criticism. In considering that attitude and those utterances nearly twenty years ago, Mr. Rhodes, in an extract already quoted, referred to them as indicative of an "infatuation hard to understand." To like effect Mr. Adams, in the entry in his *Diary* already quoted, wrote on receipt of Despatch No. 10, of May 21: "I scarcely know how to understand Mr. Seward." Since then the Welles *Diary* has been published, affording what is to a large extent an inside view of the Lincoln Cabinet movements. So far, however, as Seward is concerned, the enigma remains in largest degree unsolved. It has been suggested that at this juncture the Secretary of State was, like every one else, "groping his way"; or, again, that he, individually, had "lost his head." Amid the sudden uncertainties and grave perplexities which surrounded him, in common with all others, neither supposition is to be dismissed as beyond reasonable consideration; but that he should then seriously and persistently have advocated a general foreign war, or that he should have exerted himself to the utmost through indirections to involve the country in such a war without any understanding reached in advance with his chief and his colleagues, seems incredible. Yet the record apparently establishes such as having been the case. He seems,

ment they would become part of your navy for the time being, and be respected accordingly, by all other Powers. So we will give your administration the treaty they ask for, and they must then settle the matter with your Senate. They may accept or reject it at their pleasure, for it would amount to nothing; but I rather like the manner in which you put to the Emperor the advantage conceded to us by the Paris conference."

Webb sent a copy of this letter to Mr. Dayton, who replied, August 26:

"I have read with great care and *interest* your letter to the Prest. a copy of which you enclosed. As it is unofficial, of course you could rightfully send it to *head-quarters* direct, and I am glad you did so.

"*That negotiations* as to Privateering is likely to *break off* after all. Lord John and Mr. Thouvenel want to add an outside declaration at the time of the execution of the Treaty which I will not agree to — nor will Mr. Adams. This is of course altogether confidential, but my impression is, that with *your* letters to Seward &c. it will for the present end the matter." ED.]

in fact, to have been wrong-headed rather than to have "lost his head"; and to have persisted in a path at once devious and erroneous rather than to have been "groping his way."

Dealing with the distinct period of the Civil War between the attack on Fort Sumter and the defeat at Bull Run, it is in justice to every one concerned necessary constantly to recall the fact that it was throughout formative. It was formative as respects foreign relations quite as much as in its domestic bearings. It is in evidence and indisputable that when the Fort Sumter crisis was imminent the Secretary of State urged on the President the expediency of forcing immediately a foreign complication. There is also ground to believe, although on this head the evidence is not absolutely conclusive, that so intent was Seward on at any rate postponing a civil-war outbreak, in the hope that a foreign complication could yet be substituted therefor, that when the Fort Sumter expedition was in course of preparation he caused secret advices thereof to be conveyed to the Confederate authorities, apparently with a view of having the expedition fail without bringing on an irrevocable crisis, or at any rate having the government at Washington appear as the provoker of strife by striking the first blow.¹ This, by any and every device, he sought to postpone. He did not succeed; and the catastrophe occurred. Nevertheless, he seems even then not to have thrown off his delusion as to the possible reconciliatory effect of a foreign complication; and it continued with him until after the catastrophe at Bull Run. Indulging in a belief that Confederate resistance would prove a delusion, and would collapse under the first blow from Washington, he prepared the Despatch No. 10 of May 21. It is not generally understood that in the original draft of this highly aggressive communication Mr. Adams was instructed to confine himself "simply to a delivery of a copy of this paper to the Secretary of State [Russell], and then to break off all official intercourse with the British Government." Further instructions were then given him as to what policy should be pursued "when intercourse shall have been arrested from this cause."² As orig-

¹ On this point, see Bancroft, *Seward*, II. 145; letter of Montgomery Blair of May 13, 1873, in Welles, *Lincoln and Seward*, 58, 66; Welles, *Diary*, I. 9, 32; II. 160, 248.

² Nicolay and Hay, IV. 271.

inally drawn, the despatch amounted practically to a declaration of war; as such, it will be remembered, it was modified in essential respects by the President only in face of strong opposition on the part of the Secretary.¹

Even while penning this despatch, Seward moreover put on record an utter misapprehension of his own position, writing to his wife: "A country so largely relying on my poor efforts to save it had refused me the full measure of its confidence, needful to that end. I am a chief reduced to a subordinate position, and surrounded by a guard, to see that I do not do too much for my country." Mr. Bancroft, therefore, in his *Life*,² does not apparently go too far when he says that at this time Seward was the "victim of an incomprehensible illusion," adding: "The only theory on which this illusion can be explained, even from his point of view, is that by giving full play to his imagination he was strengthened in the belief that the Union could not be restored unless the 'chief' could get free from his 'subordinate position' and push aside the 'guard' that was preventing him from doing too much for his country, and that all could be accomplished by means of a foreign war, which would put him in control, because it would grow out of questions within the province of his duties."

Whatever his policy may have been, therefore, it would seem that the Secretary of State was practically thwarted in his efforts to carry it out, and reduced into what he himself considered a "subordinate position." In view of what has already been said in this paper, it is hardly necessary to point out that the "guard" referred to in the foregoing extract from Mr. Bancroft's *Life* was Senator Sumner, then alluded to by Mr. Seward as a supernumerary Secretary of State in Washington, according to Mr. Welles "far too frequently consulted on controverted or disputed international questions."³ The evidence on this head is not, however, confined to Mr. Welles. In a passage from his *Diary* already quoted, it will be remembered that Russell attributes this thwarting of action on the part of Seward largely to the intervention of Senator Sumner. Mr. Sumner was certainly in Washington at the time the Despatch No. 10 was approved by the President "with its teeth drawn," and he went back to

¹ Russell, *My Diary*, July 3, 1861.

² *Seward*, II. 173.

³ Welles, *Lincoln and Seward*, 90, 161, 185.

Boston in so excited a frame of mind that Mr. Dana, whom he shortly afterwards met, wrote to Mr. Adams that he was "so full of denunciations of Mr. Seward that it was suggestive of a heated state of brain." Mr. Dana added: "He cannot talk five minutes without bringing in Mr. Seward, and always in bitter terms of denunciation. His mission is to expose and denounce Mr. Seward; and into that mission he puts all his usual intellectual and moral energy." According to Mr. Sumner, Seward was systematically "pursuing a course of correspondence, language, and manner calculated to bring England and France to coldness, if not to open rupture."¹ Then a mystery, what Mr. Sumner had in mind has now been disclosed. He spoke not altogether unadvisedly.²

In that portion of his History relating to this period Mr. Rhodes says: "A fair statement of Northern sentiment by the 4th of July [1861] is that, although most of the rebels would be pardoned by a gracious government, Jefferson Davis and the men captured on board of vessels bearing his letters of marque should be hanged."³ In other words, during the period under consideration the country as well as Mr. Seward had for the time being abdicated all sanity of judgment. Confident of an early and decisive military success, both the Secretary of State and the community at large were disposing in advance of the spoils and captives. The Secretary was, also, in the way natural to him, arranging a diplomatic program in which scant, if any, consideration was to be shown foreign nations. In other words, he was preparing a theatrical appeal to that spirit of American nationality in the might of which he had such implicit, if somewhat sentimental, faith.

Such then, so far as the evidence warrants conclusions, was the attitude of Mr. Seward, and such the policy he strove to impose. That policy was, it would also appear, based on several

¹ C. F. Adams Mss., Boston, June 4, 1861.

² "Mr. Sumner, as the Chairman of the Committee on Foreign Relations, is supposed to be viewed with some jealousy by Mr. Seward, on account of the disposition attributed to him to interfere in diplomatic questions; but if he does so, we shall have no reason to complain, as the Senator is most desirous of keeping the peace between the two countries, and of mollifying any little acerbities and irritations which may at present exist between them." Russell, *Diary*, July 5, 1861.

³ Vol. III. 429.

propositions almost equally erroneous. First, he quite misapprehended the situation as respected his chieftaincy in the conduct of the administration, and responsibility therefor. Second, he labored under a delusion as to the feeling existing in the community composing the Confederacy. Third, and most dangerous of all, was his deception connected with the question of privateering as a weapon in modern warfare, whether in the hands of the Confederacy as against the Union, or in the hands of the national government as against foreign nations, especially this last. As already more than once pointed out, Seward seems to have really believed that it was but necessary for the United States, as representative of democracy, to raise its hand, to cause, as he himself was wont to express it, "the world to be wrapped in fire."

That it should have been possible for a representative New York politician to indulge in good faith in such a degree of infatuation hitherto has constituted, and will probably long continue to constitute, an historical enigma. That it was in his case a passing delusion is true; as also that in its more publicly dangerous form it did not survive the shock of July 21st. Meanwhile, during the period of obsession, so to speak, the danger of privateering and the use of privateering seem to have been always present to the Secretary's mind. It was privateering, moreover, of the type of fifty years before, — that in vogue in his youth, during the War of 1812. Accordingly, in his despatch of the 21st of May, he wrote to Mr. Adams that "Happily, Her Britannic Majesty's Government can avoid all these difficulties. It invited us in 1856 to accede to the Declaration of Paris, of which body Great Britain was herself a member, abolishing privateering everywhere in all cases and forever." He then suggests a negotiation, saying that Mr. Adams already had authority to propose the accession of the United States to the Paris Declaration, and inviting him to negotiate to that end.¹

The trouble with Mr. Seward's subsequent position was simple, — it was impossible! He wished to do, and yet not to do. He wanted to commit the insurgents as included in the sovereignty of the United States, but not to commit the United States, in case of hostilities with European powers growing

¹ Nicolay and Hay, iv. 273.

out of the existing complications. He could not bring himself to admit that a blockade conducted under the rules of international law was impossible except as an act of belligerency, and that belligerency implied two parties to it. This necessary and inevitable proposition both of logic and international usage he obstinately refused to admit. In other words, so far as accession to the Declaration of Paris was concerned, Mr. Seward during the period in question seems mentally to have exerted himself to the extent of self-persuasion that the conflict in which the country was engaged was a war so far as the United States was concerned, and a war or not a war so far as the foreign powers were concerned, as the interest of the United States might dictate. Moreover, he confidently maintained it was a war conducted in accordance with established international usage, to which so far as foreign nations were affected there was but a single party, — that party representing absolute sovereignty, while, under some rule vaguely alluded to as in existence, the insurrectionary power was composed not of belligerents but solely of bandits and pirates — outlaws.

That he might possibly have succeeded in this diplomatic *tour de force*, had the United States forces achieved a decisive and brilliant success at Bull Run, is within the range of possibilities. In view of what actually occurred, this possibility is, however, hardly worthy of consideration. It is sufficient here to say that the policy of Mr. Seward during the three months in question, so far as the actual record shows, was based on misapprehension; misapprehension not less of the position he himself occupied than of the situation as it existed both in the Confederacy and in Europe. Moreover, his contentions were quite devoid of any foundation in the accepted principles of international law. Somewhat transparent, the carrying of his scheme into actual operation would almost necessarily have resulted in a practical challenge of foreign nations at once to recognize the Confederacy as a member of the family of nations. It is difficult indeed to see how it could well have failed so to do. Ill-advised, illogical, and contradictory, the diplomatic policy pursued during this brief and early stage of the Civil War constitutes almost as complete an enigma now as it did to Mr. Adams then, or thirty years later to Mr. Rhodes. In many aspects it is, and is likely to remain, im-

possible of satisfactory explanation for the simple reason that it is incomprehensible.

Thus, in the outcome of this inquiry, I find myself back at the point of commencement. As a diplomatic episode, the abortive negotiation over the accession of the United States to the articles of the Declaration of Paris bore a strong family resemblance to the equally abortive though far more disgraceful and calamitous military performance known as the first Manassas advance. Both were ill-considered incidents, in no respect creditable, characteristic of a distinct because a dangerously emotional period in the history of the American people, — that is, the hundred days between Fort Sumter and Bull Run.

NOTE BY THE EDITOR.

Mr. Adams, on p. 30 *supra*, speaks of the letters prepared by Secretary Welles on letters of marque in 1863. The Editor has compiled the following notes on the law which called out those letters. They indicate that the measure was due to Seward, that it was based upon the principles and practice of 1812, that it was intended as a menace to European governments, and that France promptly recognized the intent.

Writing to C. F. Adams, July 12, 1862, Seward instructing him to inform Earl Russell, that "since the *Oreto* and other gunboats are being received by the insurgents from Europe to renew demonstrations on our national commerce, Congress is about to authorize the issue of letters of marque and reprisal, and that if we find it necessary to suppress that piracy, we shall bring privateers into service for that purpose, and, of course, for that purpose only." ¹ Upon the same day that this despatch was written a bill on letters of marque was introduced into the Senate. The bill had been drafted by Seward.

The legislative history of the law of March 3, 1863, is briefly as follows. On July 12, 1862, Senator Grimes introduced a bill authorizing the President "whenever war exists or has been declared between the United States and any other nation," to issue to private vessels of the United States, commissions, or letters of marque and general reprisal. The conduct, rights, duties and mode of proceedings, and regulations of letters of marque, their prizes and prize goods, were to conform to and be under the provisions of the act of

¹ *Diplomatic Correspondence*, 1862, 135.

June 26, 1812. In explaining the bill Senator Grimes stated (July 14) that he introduced the measure because there were some ten or twelve iron steamers at Bermuda, Nassau and other points in the vicinity of the West Indies, under the British, but only waiting a favorable moment to raise the Confederate flag. Senator Henderson objected to privateering as likely to embroil us with foreign countries, and believed it better to destroy such Confederate commerce as existed by armed vessels of the United States. The ports of the South were blockaded; so why send out privateers to interfere with a commerce declared not to exist? Senator Grimes agreed in his opposition to privateering, but said he represented the opinions, "as I understand them, of the Administration, who desire to have this power to exercise it, if an emergency arises which in their judgment will justify them in exercising it." Senator Trumbull argued that the measure would be a "recognition" of the rebels. "You might just as well declare war against them." The bill was also opposed by Senator Hale. "The Administration do not wish it so much as to make any formal communication to Congress, as I understand it, in favor of it." Opposition led to no action that session.

It was reintroduced in January, 1863, referred to the Committee on Naval Affairs, and reported back January 20. Senator Trumbull (February 14) said: "It is a measure to be resorted to against a foreign nation. A resort to the issuing of letters of marque and reprisal against rebels and insurrectionists is a thing unheard of in any country before." Senator Sumner asked: "Why, sir, what is a letter of marque? It is a privateer. And what is a privateer? It is a private armed ship, owned by private individuals, cruising at its own will against the commerce of an enemy, and paid by booty." And again on February 17 he asserted: "As there is no foreign war in which we are now engaged, this provision is prospective and minatory, so far as foreign nations are concerned. It is notice to all the world to avoid any question with us, under the penalty of depredations by our privateers. If not a menace, it is very like one. I do not know that it will be so interpreted by those to whom it is addressed; but I am sure that it can do no good; and just in proportion as it is so interpreted, it will be worse than useless. A menace is as ill-timed between nations as between individuals. . . . If the words are introduced as a menace, then are they out of place and irrational. Suppose any such words were introduced into the legislation of Great Britain or France at a moment when they would be interpreted as applicable to us, who can doubt the injurious effect they would have upon public opinion here? A generous, intelligent

people will not bend before menace; nor can any such influence affect its well-considered policy. I think that all history and reason show that such conduct would be more irritating than soothing in its character.”¹

The bill passed, February 17, by a vote of 27 to 9. *Nays*: Davis, Dixon, Henderson, Howard, Lane of Ind., Pomeroy, Sumner, Trumbull, and Wilson of Mo.

Before the House took up the measure, Seward wrote to Dayton, February 20, of its having passed the Senate, and the probability of its passing the House and becoming a law. “It is not unlikely, in that event, that the measure may possibly be misapprehended abroad. Should this prove to be the case at Paris, and explanations in regard to it should be asked of you, or in your judgment be likely to prove useful, you may say that, as the bill stands, the executive government will be left at liberty to put the law in force in its discretion, and that thus far the proper policy in regard to the exercise of that discretion has not engaged the President’s attention. If no extreme circumstances shall exist when it may become expedient to put the act in force against the insurgents, every proper effort will be made to prevent surprise on the part of friendly nations, whose commerce and navigation it might be feared would be incidentally and indirectly affected.”²

The bill was taken up in the House February 21. Mr. Cox: “It is not so much as a measure against rebels in arms. It is in reality a threat to be held *in terrorem* over enemies in any future war with the maritime nations of Europe.” After some debate it passed the House March 2, but the vote is not given. It was approved by the President March 3. The evidence shows it was rushed through Congress in the last hours of the session.

March 9, in connection with the destruction of the *Jacob Bell* by the *Florida*, Seward wrote to C. F. Adams: “Congress has conferred upon the President ample power for the execution of the latter measure [letters of marque], and the necessary arrangements for it are now engaging the attention of the proper Departments. It is not without great reluctance that the President is coming to the adoption of that policy. But the preservation of the national life is a supreme necessity; and if there shall be no improvement in the condition of things to which I have adverted, the voice of the nation for the adoption of this last form of maritime war is likely to become unanimous and exacting.”

On March 10 the Regulations for carrying the law into effect

¹ Sumner’s remarks are printed in *Works*, VII. 278.

² *Diplomatic Correspondence*, 1863, I. 644.

were submitted to the Cabinet, having been prepared by the State Department.¹

March 17, they were discussed, Seward and Chase favoring.² Welles was ill for a fortnight after, but on March 31 resumed the consideration of the question.³ In the meantime Seward wrote (March 24) to C. F. Adams: "You will not give credit to newspaper statements about a decision in no case to employ private armed ships. The President, as you might well imagine, considers — he does not yet decide."⁴

Seward to Adams, April 7. "Applications for letters of marque and reprisal to insure the success of the naval operations against the insurgents are coming in, and the question of the propriety of granting them is fixing the public attention."⁵

Dayton to Seward, April 9, 1863. "Mr. Drouyn de l'Huys, while not questioning our right to issue letters of marque, seemed, I thought, to deprecate it as an act uncalled for under existing circumstances, and calculated to produce troublesome complications."⁶

Seward to Dayton, April 24. "Congress has committed to the President, as a weapon of national defence, the authority to issue letters of marque. We know that it is a weapon that cannot be handled without great danger of annoyance to the neutrals and friendly commercial powers. But even that hazard must be incurred rather than quietly submit to the apprehended greater evil [unrestrained issue of piratical vessels from Europe to destroy our commerce]."⁷

March 20 the Department of State had in print "Instructions" and "Regulations" for "Private Armed Vessels of the United States," a circular of seven pages. "It appears that in April, 1863, a citizen of New York applied for letters, and was invited by Mr. Seward to a conference, which resulted in the submission by the former of certain propositions. These were communicated by Mr. Seward to Mr. Welles, with the statement that, 'in view of a slight improvement of the disposition of the British Government in regard to assisting the fitting out of piratical vessels,' it seemed 'inexpedient to proceed at this moment to the issue of letters of marque.'"⁸ No letters appear to have been issued under the law of March, 1863.

Mr. STANWOOD read a paper on

¹ Welles, *Diary*, I. 246.

² *Ib.*, 247.

³ *Diary*, I. 250, 252.

⁴ *Diplomatic Correspondence*, 1863, I. 155.

⁵ *Ib.*, 198.

⁶ *Ib.*, 655.

⁷ *Ib.*, 662.

⁸ Moore, *Digest*, VII. 556.

THE DEVELOPMENT UNDER THE CONSTITUTION OF THE
PRESIDENT'S POWER.

Mr. Bryce, in his wonderful analysis of the American Commonwealth, wrote as follows on the subject of the Executive: "The President has developed a capacity for becoming, in moments of national peril, something like a Roman dictator. He is, in quiet times, no stronger than he was at first, possibly weaker."

The first edition of that great work was published in 1888. I do not think Mr. Bryce could express the same opinion to-day; for my part I do not think it was accurate at the time it was written, although it has become increasingly inaccurate in the last quarter of a century. It is only necessary to consider the share in the government of the first two Presidents and of the last two, to perceive how far the statement is from being correct.

Mr. Gladstone said that our Constitution was the most perfect instrument "ever struck off at a given time from the brain and purpose of man"; and although Professor Channing is right in declaring — apparently criticising the phrase "at a given time" — that it was "the result of the experience of the English race in England and America," yet the whole merit of the framers lies in their ability to consolidate that experience, to select from the lessons of the experience those things which it was wise to retain and those to discard, and to mould all that experience and invention supplied them into an orderly and enduring constitution of government. There is no fact of history more striking than that a plan devised for such a people as were the inhabitants of the thirteen States in 1787 has been adequate, with surprisingly little change, — with no essential change, — for a nation occupying half a continent, gathered from all the countries of the world, and numbering a hundred millions. The whole secret lies in the adaptability of the Constitution. "Commerce with foreign nations and among the several States" is a broad phrase. We know what it meant at the close of the eighteenth century, and we are learning day by day what it means now. Up to date it, as a power vested in Congress, authorizes a law forbidding a railway company whose lines cross a State frontier from employing any of its train-

hands more than a certain number of hours a day. And we have just learned that the power "to establish post-offices and post-roads" covers the right to require newspaper publishers to make known the ownership of their publications, the names of their editors and the extent of their business.

These are but two of a hundred illustrations that might be given of the elasticity that has been discovered in the language of the Constitution. The fact is that the functions of each of the three great divisions of the government have been enormously enlarged. The changes have been made without any actual violation of the words of the Constitution, and they have been made with the acquiescence of the people, and for the most part in response to the popular will. The doctrine of "implied powers" has been immensely serviceable to Congress, — and the power of the Supreme Court, — how far we have travelled from the principles of the Virginia and Kentucky resolutions of 1798 and 1799!

The Constitution confers a variety of powers upon the President and imposes upon him but a single duty, — that "he shall take care that the laws be faithfully executed." Let us classify the powers between those which are so definite that they could be and were exercised to the fullest extent from the beginning, and those where there has been an opportunity for expansion and extension.

1. He is commander-in-chief of the army and navy. Yet no President has ever taken the field in actual command of the forces.

2. He may grant reprieves and pardons.

3. He may summon Congress to meet in extraordinary session.

4. He may make treaties, with the concurrence of two-thirds of the Senate.

5. He may receive ambassadors and foreign ministers. This power is on the border land between the two classes; for under it the Presidents have always, from the beginning of the government, claimed and exercised, in spite of occasionally strong opposition by Congress, the right to decide as to the recognition of foreign governments.

In the other class are the following:

1. The President has the power, in conjunction with the

Senate, to appoint all the principal officers of the government.

2. He may fill vacancies in office that happen during the recess of the Senate.

3. He has a veto power over legislation, which veto may be overruled by Congress.

4. He may give information to Congress and recommend measures for its consideration.

As for three of the four powers last mentioned there has been a great extension of the President's authority as at first understood; as regards the remaining power — the second in the above statement — there has been an unsuccessful effort by a President to extend his power. Let us take them in order.

The power of appointment to office, as conferred in the Constitution, is definite and absolute. But the power to appoint implies a power to remove. Where does that power reside? It may be said with truth that from the time of Washington it has always been conceded absolutely to the President, except during the time of the Tenure-of-Office Act. But that does not tell the whole story. Hamilton held¹ that the right was to be shared by the President and the Senate, equally with the power of appointment. Chancellor Kent, writing during the administration of John Quincy Adams, at a time when there had been no scandalous use of the power by any President, took the contrary view, and held that the right to remove officers properly resided in the President exclusively. Story, writing a few years later, in the administration of Jackson, referred to that President's "extraordinary change of system," and remarked that "Many of the most eminent statesmen in the country have expressed a deliberate opinion that it is utterly indefensible, and that the only sound interpretation of the Constitution is that avowed upon its adoption; that is to say, that the power of removal belongs to the appointing power."

How, then, was it decided in the first place? Almost by accident, and by the casting vote of the Vice-President, John Adams. When the First Congress was organizing the Department of Foreign Affairs, there was contained in the bill a clause providing that the Secretary should appoint a chief clerk who was to discharge the duties of the office "whenever the said

¹ *Federalist*, No. lxxvii.

principal officer shall be removed from office by the President of the United States." The clause was vigorously attacked in the Senate, after having encountered some opposition in the House of Representatives. It practically denied the co-ordinate power of the Senate in the matter of removals. In those times the Senate held no open sessions, and our only authority as to what took place is the racy diary of William Maclay, one of the first senators from Pennsylvania. He insinuates that the "court party" used all its endeavors to prevent the elimination of the clause. The debate was very angry. Some senators are mentioned by name as having "recanted" after having spoken against the clause. When at last the vote was taken on the amendment the result was a tie — ten to ten. Maclay, who had conceived a violent antipathy to Mr. Adams, records: "The Vice-President with joy cried out, 'It is not a vote!' without giving himself time to declare the division of the House and give his vote in order."

That chance division decided the question until the time of Andrew Johnson, and, since the repeal of the Tenure-of-Office Act during Grant's administration, the question has not been raised. The history of the use of the power of removal is interesting, but is too familiar to be entered into at this time. It is sufficient to say that Jackson set the pace for his successors by removing three times as many officers in the first year of his term as had been removed during the forty years that preceded his advent. Thereafter both parties, when in power, practised the "spoils system" shamelessly until the movement for civil service reform became effective. In this particular, then, we see that the original interpretation of the Constitution was changed during the first year of the government, and that the change ultimately led to such scandals and abuses that although the interpretation was not reversed measures have been found and adopted to mitigate the evil.

In connection with the appointing power the President is allowed to fill vacancies that may happen during the recess of the Senate. There has been much discussion as to whether the clause means that he may appoint whenever there is a vacancy existing when the Senate is not in session, or whether the more literal interpretation, that the vacancy may not be filled by him unless it then first occurs, or "happens," should prevail.

It is settled, however, by long practice that an appointment is made and is valid, if there be a vacancy during a recess of the Senate, no matter when it occurred. In 1867 Congress refused to adjourn half an hour before a new Congress was to begin its first session, in order to prevent President Johnson, whom Senator Sumner on that occasion characterized as "a bad man," from making recess appointments in the intervening space of thirty minutes. But in 1903 President Roosevelt gave recess appointments to Mr. Crum as Collector at Charleston, and to 168 army officers, at the head of the list General Leonard Wood, on the ground that there was a "constructive" recess between the close of the extraordinary session at twelve o'clock, noon, December 2, and the beginning of the regular annual session at twelve o'clock, noon, December 2. That is recent history. The right to make such appointments was successfully disputed, and undoubtedly the attempt to drive that wedge into an infinitesimal fraction of a second will never be made again.

The present understanding and exercise of the veto power is vastly different from that which prevailed in the early years under the Constitution, and is likewise vastly different from the intention of those who framed that instrument. It was hardly suggested in the convention, and then by one member only, that there was any other reason for giving the power to the President than to enable him to protect himself against encroachment by Congress upon his constitutional rights. Madison, Hamilton and others were constantly urging the necessity of curbing the legislative branch of the government. They did not fear that a despotism might be established by the Executive, but they did wish to guard against the danger which Madison expressed thus: "The legislative department is everywhere extending the sphere of its activity, and drawing all power into its impetuous vortex." Washington vetoed but two bills, — one, an apportionment bill, on the ground of unconstitutionality, which he was urged to veto by Jefferson not only on that ground but in order to assert a power which the people might come to believe was never to be exercised; and the other because it was ill-drawn and self-contradictory. Neither John Adams nor Jefferson vetoed any bill. In the next sixteen years there were seven vetoes, six of them on constitutional grounds

and one on account of a defect in drafting. John Quincy Adams did not once exercise the power.

There were, then, nine vetoes in all in the first forty years of government under the Constitution. Even Jackson, who came next, returned only nine bills without his approval in eight years. But he introduced the practice of setting up his individual judgment as superior to that of the two Houses of Congress, by claiming the privilege of deciding finally as to the expediency of measures. It is not in official human nature to surrender a right which any predecessor in office has successfully asserted, and since Jackson's time every President has interpreted literally the grant of power: "If he approve, he shall sign it." But it is only in comparatively recent times that the power has been exercised in a wholesale way, for in the twenty-eight years between the end of Jackson's administration and the advent of Andrew Johnson, only thirty-one bills were returned to Congress unsigned. But the next twenty years produced a crop of eighty-four, and President Cleveland broke all records, to use a sporting phrase, by vetoing 346 bills, to say nothing of twelve "pocket" vetoes. Most of them, to be sure, were vetoes of pension bills. President Roosevelt stands second on the list of those who have used the veto power freely, for he returned forty bills during the seven and a half years of his chief magistracy.

Von Holst, referring to a matter that has been often discussed, whether the veto of the President is a legislative power, expresses the opinion that it is not, for the reason that the Constitution declares that "all legislative power herein granted is vested" in Congress. That seems to me a little like begging the question, as it assumes that an inconsistency in the Constitution is impossible and unthinkable. Let us consider it in connection with the other power granted to the President, which has not yet been considered. The Constitution gives this, among the functions which it assigns to the President: "He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient."

There was not at any time a word of debate on this clause, in the Convention of 1787; the *Federalist* makes no comment

upon it; Kent merely quotes the clause; Story writes at some length in justification of it, but gives no hint of such an expansion of the idea as we find in the practice of our modern Presidents. It is plain to every one that what the framers of the Constitution had in mind was the King's speech in opening Parliament, — a broad statement of the condition of the country and its foreign relations, and a brief mention of subjects which he deems it advisable for Congress to consider. That was the way the earliest Presidents regarded the matter. The addresses of Washington and of John Adams were modelled strictly on the King's speech, and at first they were not much longer or couched in much less general terms. They soon increased in length, and the information contained in them was given in more precise and detailed form. Moreover the recommendations became more definite, and the necessity of measures was more fully and carefully argued. But until recently all such recommendations were general in their nature. Congress was asked to pass acts to accomplish certain ends, but there was no going into details, no statement of specific provisions, no intimation that the act to be passed must be emphatic and explicit on this point or that — or the measure would not be satisfactory and would encounter a veto. All this is to be found in some of the recent executive communications, and is to be found still more in the private communications to members of the two Houses whom our Presidents now summon to the White House to learn the pleasure of the Executive. It requires a familiarity with the Presidents' messages from the beginning to appreciate the difference, but a study of them will reveal what I have indicated. In short, the early Presidents asked Congress to take up and consider certain topics; Congress did or did not heed the suggestions; but when it did consider such subjects it formulated bills satisfactory to itself, and sent them to the President, who approved or disapproved them as seemed to him best. At the present day the President indicates his will as to the terms of important measures, and lets it be known that a departure from those terms will render futile all that Congress may have done.

It seems to me that the change which has taken place has constituted the President in very truth a third branch of the legislature. There are three steps in the enactment of a law:

the initiative, the introduction of the measure; the consideration of amendments; and the final passage. The modern President performs all three of these functions. He proposes measures; he indicates the form they shall take; and if his views are met he signs them, — that is, he passes them. If it be said that Congress need not consider any subject proposed to it by him unless it sees fit, it may be replied that neither can the Senate nor the House of Representatives be forced to take up a matter proposed to it by the other branch unless it is willing. Moreover, as neither branch of the legislature will pass a bill unless its terms are satisfactory, so the President will not agree unless he also is satisfied. The conferences that are now held at the White House when bills are pending in which the President takes a deep interest, correspond closely to the committees of conference between the two authorized branches of the legislative department; and of course the signature of the President corresponds to the final passage of a measure at the other end of Pennsylvania Avenue.

I am aware that the statements I have made and the position taken are highly political in their nature, and there would be no excuse for bringing the subject to the attention of this Society were the change not also an important historical fact. It is as far as possible from my intention to leave the impression that I am making a political argument against it. No one can say that the letter of the Constitution has been in the slightest degree violated. The increase of the President's power has been derived as plausibly from the language of the Constitution as most of the other developments of the last century and a quarter, — more plausibly than some of them, — and, what is vastly more important, it has, like the rest, been accomplished without a protest on the part of Congress that a portion of its power which the Constitution vested exclusively in it has been usurped. It has also been fully acquiesced in by the people. In such circumstances it would be foolish perhaps, futile certainly, to attempt or even to suggest a return to the old system, which was that intended by the fathers. Nevertheless there is room for a wide difference of opinion among students of the history of political institutions whether the change is one altogether harmless to political liberty. But that is a subject on which it would be inappropriate in this place to enter.

BRIGHT-SUMNER LETTERS, 1861-1872.

Mr. RHODES submitted the following letters from John Bright to Charles Sumner, in continuation of those printed in *Proceedings*, XLV. 148. The originals are in the Sumner Papers in the library of Harvard College.¹

Private.

ROCHDALE, ENGLAND, September 6, 1861.

MY DEAR MR. SUMNER, — I have often thought of writing to you during the last few months, but have been afraid to intrude upon you. I have grieved, as you have, over the calamities in which you are now involved, but have felt as though I could say nothing worth your reading, and that the case was one too complicated and too terrible for any stranger to interfere in it.

And now I write only to express the anxiety with which I regard the progress of your revolution; for whether you come to separation or to reunion, the result of what is now passing in your country must be a revolution. Judging from this distance I confess I am unable to see any prospect of reunion through a conquest of the South, and I should grieve to see it thro' any degrading concessions on the part of the North. I confess I am surprised at the difficulties you meet with even in the Border States. It would seem that the separation, in *regard to feeling and interests*, had made a fatal progress before secession was openly proclaimed. For surely if there was a large and preponderating sympathy for the Union in those States, the Northern forces would have great advantages over the South in the conduct of their operations, which they do not now appear to have. It has always seemed to me that the only way ultimately to save the Union, since the election of President Lincoln, was to offer abolition to the Border States on a full compensation, and thus to bind them indissolubly to the North.² The Cotton States alone are too weak to form a nation or to resist the overwhelming power of the North. To compensate the Border States and to make them free States would require less money than the cost of the war for one year, and a loan for that purpose could be easily raised in this country. But I suppose that up to the beginning of the war your democratic party would not have listened to such a scheme, and that since that time the Border States themselves could not be negotiated with, and that therefore I am writing of what, however good as a project, is wholly impracticable.

¹ The letters written by Richard Cobden to Charles Sumner were printed by Mr. Edward L. Pierce in the *American Historical Review*, II. 306.

² This plan was proposed in Lincoln's message to Congress, March 6, 1862.

I am anxious about the course taken by our Government, having, as you know, no confidence in our Prime Minister, and little in his colleague at the Foreign Office.¹ I think the one capable of any evil, and the other capricious and liable to act from passion or sudden change of purpose, tho' I hope not ill meaning to your country.

You will see they are sending troops to Canada. I cannot make out what this is for. It has been customary for the English Government to move ships and troops whenever and wherever any disturbance is going on. ("to be ready for any emergency," and generally to meddle in it). This is the *tradition* of the last two centuries, and Lord Palmerston and Lord Russell are saturated with it. What they do may be no more than this, and I hope it is not; but I wish they would let even that alone. Again I don't place much faith in their minister at Washington.² I once saw him, and dined in his company at Rome, and did not form a high opinion of his capacity. He may be well meaning, but he ought to be acute and firm, and thoroughly friendly to your Government, which possibly he is; but I happen to know that some persons here have not been without anxiety as to the manner in which he regards what is passing with you. The *Times* newspaper, as you know, will willingly make mischief if its patrons want mischief; and on your side you have the *New York Herald* doing Southern work when it dares to do it, and stirring up ill-blood with England as the best mode of helping its Southern friends. Public opinion here is in a languid and confused state. The upper and ruling class have some satisfaction, I suspect, in your troubles. They think two nations on your northern continent more easy to deal with than one, and they see, without grief, that democracy may get into trouble, and war, and debt, and taxes, as aristocracy has done for this country.

The middle class wish *abolition* to come out of your contentions, but they are irritated by your foolish Tariff; and having so lately become free traders themselves, of course, they are great purists now, and severely condemn you. In this district we have a good many friends of the South. The men who go South every year to buy Cotton for our spinners, and those among our spinners and merchants, who care little for facts and right, and go just where their interest seems to point. I have not so far seen any considerable manifestation of a disposition to urge our Government to interfere in your affairs, and yet, with some, doubtless, there is a hope that France and England will not permit their cotton manufacture to be

¹ Palmerston and Russell.

² Richard Bickerton Pemell, Baron Lyons (1817-1887).

starved out by your contest. There is a great anxiety as to what is coming. Our Mills are just now reducing their working time to four days, and some of them to three days in the week. This is not universal or general, but it is spreading, and will soon become general I cannot doubt. Working half time we can go on till April or May perhaps, but this will cause suffering and discontent, and it is possible pressure may be put upon the Government to take some step supposed likely to bring about a change. I preach the doctrine that the success of the North is our nearest way to a remedy, but there are those who hold a contrary opinion. Lords Palmerston and Russell in public speak in a friendly tone, and I have been disposed to believe in the honest disposition of the latter; but I do not like the moving of troops to Canada, for it indicates some idea of trouble in the future. They may only *fear* it, acting on ancient tradition, and may not *intend* it. Still with our upper class hostility to your country and Government, with the wonderful folly of your Tariff telling against you here, and with the damage arising from the blockade of the Southern ports, you will easily understand that the feeling here is not so thorough and cordial with you as I could wish it to be. At the same time there is a strong feeling of regret at what has happened, and many console themselves with the hope that the great question of the future condition of your four million negroes is about to be solved. I do not see how you can move for Emancipation within your Constitution, or without giving to the South a complete case in favor of their insurrection; but if necessity or the popular feeling should drive you to it, then there will I think be no power in this country able to give any support to the South. Many who cavil at you now say, "if the war was for liberating the slave, then we could see something worth fighting for, and we could sympathize with the North." I cannot urge you to this course; the remedy for slavery would be almost worse than the disease, and yet how can such a disease be got rid of without some desperate remedy?

By the way, I heard a few days ago that there are buyers in Manchester from the South, purchasing largely for export from this to New Orleans. They say the blockade is but in name, and that *during the night* they can get any goods they want into that port, and I suppose into other ports as well. I do not know how this is, but I heard this from a person who is making goods which are commonly shipped to New Orleans, and who spoke most positively on the subject.

I see from a letter from Mr. Edge, the private correspondent of the *Morning Star* (London paper) who is now in Washington, that he is expecting another battle not far from the Capital. I cannot

wish for a battle, but if it takes place, I hope it may lead to some negociation thro' which peace may come. I cannot see how the South with its vast territory is to be subdued, if there be any of that unanimity among its population which is said to exist, and of which there are some proofs. If it *be* subdued, I cannot see in the future a contented section of your great country made up of States now passing thro' the crisis of a civil war, with every ferocious passion excited against the North, and the prospect being so dark, looking thro' the storm of war, I am hoping for something that will enable you to negotiate. I have no sympathy with the South, their folly seems to be extreme, and I think their leading men, who have made this insurrection, are traitors to human nature itself. They have sought to overthrow the most free Government and the noblest constitution the world has ever seen, and they wish to decree the perpetual bondage of many millions of human beings. Whatever of evil comes to them from the war, they will have richly deserved it. But I dread the results of the war to the North. Debt, taxes, army, and the corruption which grows inevitably in times when so much of public money is being expended, are fearful things. We have had them, and have them now in this country; I hope they may never grow to so rank a luxuriance in yours.

And now, after writing all this I leave the matter as I found it "All that we know is, nothing can be known." I can give no advice, I can point out no way of escape. The devil of slavery has been cherished, and now threatens to destroy you; if he is to be driven out, as in old time, he will tear and rend you.

Whatever is done and whatsoever comes, I need not tell you that I am for the Government which was founded by your great men of eighty years ago, and that all my sympathies and hopes are with those who are for freedom. If you are ever again one nation I shall rejoice in your greatness; if your Northern States are henceforth to form your nation, I shall still have faith in your greatness, and rejoice in your renown. Clear of the curse which afflicts the South, you will be able, only with a brighter light still, to lead mankind in the path of freedom.

I cannot ask you to write to me, for I can imagine your many labors, and your, may I not say, destroying anxieties. Yet I often think if I could spend one evening with you, or have a letter from you giving me hope of better days, it would afford me an intense pleasure.

I trust in the calmness and moderation of your Government and people, and I will hope in the same high qualities in ours, to prevent any serious estrangement between you and us. I would that every man in England felt with you as I do, and that every man in

your country were convinced that every Englishman was his friend.

As it is I will hope that a wise view of our interests and some regard to the requirements of Christian morality will enable us to maintain an unbroken amity between your nation and ours. If you have a few minutes of leisure at any time, and can tell me anything, I shall be happy to hear from you, and in strict confidence whatever you may be at liberty to say. . . .

JOHN BRIGHT.¹

Private.

ROCHDALE, November 20, 1861.

DEAR MR. SUMNER, — I have to thank you for your letter of the 15th ult., and for the note from Mr. Seward. I wish I could accept the sanguine view of American affairs expressed in that note. I trouble you with this to tell you what is passing here in the public mind.

The notion of getting cotton by interfering with the blockade is abandoned apparently by the simpletons who once entertained it, and it is accepted now as a fixed policy that we are to take no part in your difficulties. So far opinion has improved and the public eye sees more clearly. I think also that I observe a change in regard to the main question, and less confidence in the fortunes of the South, arising from statements published as to their financial difficulties, and the sufferings caused by their exclusion from all foreign trade. At the same time the belief is largely held that their subjugation is barely, if at all, possible, and that a restoration of the Union is not to be looked for.

The *Times* correspondent suggests that your Cabinet is anticipating a compromise after a battle, and a settlement, based, it is presumed, not on reconstruction, but on a permanent separation. This idea, I suspect, can have no solid foundation; but it meets the views of many here, and therefore tends to confirm the opinion that the war should not be prolonged, and ought not to have been begun. I have heard too, but *this is strictly private*, that an opinion not contrary to this, has been expressed by some one connected with your Mission here. I have seen none of them since our Parliament rose in August last, but I have heard what I now state from a person who cannot well be mistaken. Next week I expect to be in London, and shall probably have an opportunity of learning the exact truth on this point. I shall be very glad to know what you think in regard to the possibility of peace on the basis of a secession, all I see

¹ A part of Sumner's reply, dated October 15, is in Pierce, *Memoir and Letters of Charles Sumner*, IV. 48.

and hear from your side forbids me to imagine such a thing to be likely.

I see that Frémont is removed from his command.¹ Judging from the published accounts I should conclude that he is not a man fit for the command he has held. There has been great expenditure — much promise, much time consumed, and apparently nothing done. He is popular with his men, and this is in his favor; but the crisis requires action, and I have seen nothing of this since he took the command in the West. I hope, whether the change is good or bad, the Government will maintain its authority in regard to every military appointment.

Looking on from here, the slavery question does not advance much. The Government wishes to keep within the line of the Constitution, and this is most wise, if there is any available amount of Union opinion in the South, from which they expect to derive assistance. The removal of Frémont will strengthen this opinion if it exists at all — but it will damp the ardour of the abolitionists in the North.

It is unfortunate that nothing is done to change the reckless tone of your *New York Herald*; between it and the *Times* of London there is great mischief done in both countries. On every question it endeavors to serve the South by attacking England. The Mexican expedition is a subject particularly favorable for this line of writing. I condemn the expedition as foolish, and likely to cause many complications; but, if I am not misinformed, it has not been undertaken in opposition to the protests of your Government, or of your minister here. It is one of the great misfortunes caused by the folly and crime of the South that *now* the European powers can resume their ancient practice of interfering on your continent. I hope this practice may be put an end to before long by the restoration of the influence of the Government of the United States.

There are a good many men in this country who have spent half the year generally in New Orleans, buying cotton for our Spinners. They are mostly in favor of the South. One of them, a German, yesterday had a long conversation with one of my brothers on the war. He was strong in his view as to the impossibility of subduing the South, and of restoring the Union, altho' his own individual feeling was against the secession. Another of them, strongly for the South and an Englishman, admitted to me that he was more and more convinced that the slavery question would reach some final settlement before the contest was ended. His interests are entirely in the South where he has I believe considerable property.

¹ The order of removal was dated October 24. Rhodes, *History*, III. 482.

I write all this just to show what is thought and said here. The dinner at the Lord Mayor's has done good, and Mr. Adams's speech has produced a pleasant effect; but I am sorely disgusted that a London Company, the "Fishmongers," should have dined the Southern Commissioners and applauded them when they described *their* country not *yours*, as the "land of the free and the home of the oppressed." Mr. Yancey must have as much impudence as imagination to have said this, and what his auditors were I can hardly trust myself to describe.¹

Some friends of mine in this Town have invited me to a public dinner on the 4th of December. I intend to take that opportunity for saying something on your great political earthquake, and I need not tell you that I shall not abandon the faith I have in the greatness of the free North.

It has been a misfortune here that so little has been said to instruct the public on the true bearings of your question, for it is incredible almost how densely ignorant even our middle and upper class is with regard to your position. The sympathies of the great body of the people here are, I think, quite right, altho' some papers supposed to be read by them are wrong. I suspect there has been some tampering with a certain accessible portion of the Press.

I am very anxious that your affairs should take some more decided turn before our Parliament meets about the 1st of February. When a mob of 650 men get together, with party objects and little sympathy for you or for the right anywhere, there is no knowing what mischief may come out of foolish and wicked speeches, with a ministry led by such a man as the present Prime Minister of England. However I will hope for the best.

And now if you have leisure to write to me again, tell me what you can. Is any compromise possible or likely on the basis of secession, or of reconstruction?

Is there any ground for believing that your Government relies on any considerable feeling of discontent in the South, or of favor towards the old established order of things?

If you write to Mr. Seward thank him for me for his kind note. Every hour of every day I wish for the success of your country. . . .

JOHN BRIGHT.

ROCHDALE, November 20, 1861.

DEAR MR. SUMNER, — In my letter of this date, I forgot to mention one subject which I think of great importance — your Tariff. A year ago we paid at New York a duty of 24 per cent on goods,

¹ *Proceedings*, XLV. 83n.

carpets, shipped from Liverpool; now the duty is close upon 50 per cent, it is $22\frac{1}{2}$ cents or $11\frac{1}{2}d.$ per yard on what is sold here at 2 s. per yard. The cost of freight, insurance, commission, interest and packing, etc., will add to this at least 25 per cent more, so that goods of this description are sold in the States burdened with 75 per cent of charges over and above those made in the States. The trade is therefore all but destroyed. It is the same with many other articles. This has done immense harm to the friendly feeling which ought to exist here towards you, and it is constantly said, why should we prefer North to South? The North closes its markets against us, and the South would open its ports to us. I daresay if the South were independent it would levy duties and possibly even protective duties; but you do it now, and to an extent destructive of trade with England. I confess I think a more stupid and unpatriotic act was never passed than the Morrill Tariff of a year ago. It could not raise a good revenue, because it destroyed half your trade; it could not but aggravate the quarrel with the South, and it must alienate the good will of England and its great populations; for Lancashire, Yorkshire, the pottery district and Birmingham were all deeply injured by it. France too suffers considerably from the same cause. There is nothing that you can do that would more restore sympathy between England and the States than the repeal of the present monstrous and absurd tariff. It gives all the speakers and writers for the South an extraordinary advantage in this country in their discussion of the American question.

I add this as a postscript to my other letter; consider it as really important, as I truly regard it. . . .¹

JOHN BRIGHT.

TO JOSEPH LYMAN.

Private.

ROCHDALE, January 13, 1862.

DEAR SIR, — I am much obliged to you for your long and interesting letter. We have had a great excitement and anxiety on the unfortunate affair of the *Trent*.² I hope now we may hear no more of it, and that the discussion it has occasioned may be of use in turning opinion here more in favor of the North in your contest with the South. The question of the blockade is one of great difficulty and some danger. It will be made the ground for some pressure on the governments of France and England to induce them to recognize

¹ Sumner wrote on December 23 and 30, and extracts of his letters are in Pierce, IV. 57, 58.

² The letters from Bright to Sumner on the Trent affair are printed in *Proceedings*, XLV. 148-159.

the South and to attempt to get rid of the blockade, even, it may be, at the cost of war with the United States Government. There is, as you doubtless know, no friendly feeling on the part of our ruling class towards your *democratic* government, and no wish to see your republic united and powerful as heretofore. I am therefore anxious that no pretext should be given by your government for any interference from Europe. The more effective the blockade, the more difficult will it be for them to interfere. But the most desirable thing is that you should, if possible, obtain possession of New Orleans and Mobile, so that, as regards those two ports whence the great bulk of cotton is shipped, you might raise the blockade, and establish your own custom receipts, and permit imports and exports freely. New Orleans exports about 2,000,000 of bales, Mobile about 800,000, and Charleston and Savannah about 500,000 bales each. If you had possession of New Orleans and Mobile then, so far as cotton is concerned, there would be no impediment to trade, unless the planters in the interior obstinately adhered to the Secession cause and refused to sell and ship their produce. Savannah and Charleston, I presume, will be more easily occupied; but, if not, the main channels of trade in cotton would be opened if New Orleans and Mobile were free.

I am anxious that the North should be able at an early day to make it difficult, if not impossible, for England and France, or for either of them, to find any decent pretext for interference; for on this depends much of the success of your efforts to restore the Union.

One other thing you may do, if you can prevail upon Maryland, Kentucky and Missouri to agree to it — that is to determine on the legal emancipation of the Slaves. But these Northern Slave States will require a solemn undertaking that *compensation* shall be made them, if they are to become free States. If this were possible, and were done, then you might, as a last weapon, proclaim emancipation, and I do not see how either England or France could interfere on behalf of the South, without involving themselves in the inconsistency and the infamy of fighting to restore and re-establish Slavery where your President and Legislature had abolished it. I do not believe either government would dare to make the attempt, so horrible and shameful would be the crime in the eyes of the world. Your Constitution is opposed to such a course on the part of Congress, but the Constitution surely cannot be worked against itself, and must permit of any temporary departure from it with a view to its own preservation. I write this as a spectator of the great events which are working out on your Continent, but as one as anxious for freedom, and for the preservation and greatness of your nation, as if I were a citizen of Boston or Philadelphia.

When our Parliament meets, about three weeks hence, there will be an attempt to urge the Government to unfriendly acts, and I fear a majority of the two Houses will evince no real sympathy for you, and a section of our Cabinet, I believe, is never to be trusted to take a just and moral view of any question in which the temporary commercial or political interests of this country appear to be involved. The course taken by your President and his Cabinet has shown great courage and great dignity, and will have a good effect here on public opinion.

You refer to India and the prospect of our receiving cotton from thence. The supply is increasing, and the quality is improving; what is wanted is chiefly, means of communication with the ports, means of irrigation for the land, and a more secure tenure for the cultivators, with a moderate assessment to the land tax.

On all these points progress is being made; but the Government moves slowly, and all that India can now do for us will be a very partial relief. I can send you the evidence and report of my Committee of 1848, and any other Parliament Papers you may wish to have, when Parliament meets; but I do not see that you can make any use of them in America. The present scarcity and high price of cotton will stimulate its cultivation in many parts of the world, but I do not think we can for years dispense with the growth of your Southern States.

I had no correspondence with your late friend Mr. Theodore Parker, and therefore have no letters from him that I can send you. When I saw him in London I did not expect his life would so soon terminate.

With many thanks for your very friendly letter, I am very sincerely yours,

JOHN BRIGHT.

TO CHARLES SUMNER.

ROCHDALE, February 27, 1862.

DEAR MR. SUMNER, — I have to thank you for your several letters. We are now in smooth water, but I wish to keep you informed of the state of opinion here touching your great question, for everybody talks and thinks of what is doing in America, and we feel as if we were almost as much interested in your conflict as if it was raging in a portion of our own country.

As I told you before would be the case, the settlement of the Trent grievance has had a wonderful effect in calming men's minds. Before our Parliament met there was much talk of interference with the blockade, and much was still said in favor of the South.

All that has passed away. In London all has changed, and it is difficult to find a noisy advocate of the secession theory. The press has become much more moderate, and the great party that was to have driven the Government into hostilities with you is nowhere to be found. Even the hot Mr. Gregory,¹ the Southern advocate in the House of Commons, is very slow at taking any step in the direction of his known sympathies, and has contented himself with a notice that at some time not yet fixed, he will call the attention of the House to the state of the blockade.

He waits for the Blue Book or papers which our Foreign Office is to lay before Parliament before he can proceed, and I am sanguine in the hope that the facts will not justify his proceeding at all. Lord Russell too has said the right thing on more than one occasion in the House of Lords. There is now no disposition to interfere with you, or with the blockade, or to recognize the South, and the whole spirit of our Parliament and press and people is changed, and is no longer apparently hostile to your Government. I have had long conversations with Mr. Adams, and with Mr. Thurlow Weed, and with Mr. Cyrus Field of the Atlantic Telegraph, and I find them all in good spirits with the news from the States, and with the improved state of feeling here. In this country, where there is great embarrassment owing to the high price of cotton, no one utters a word which tends to encourage any *hostile* sentiment towards your Government and generally men are gradually adopting the notion that the restoration of the Union is not an impossible thing.

I observe that you are proposing to spend money in fortifications on your Lake frontier. This I think wholly unnecessary, for war seems to me remote, and in that quarter your superiority is undoubted, and cannot be questioned by any man of ordinary information. If I were in your Congress I should oppose such an expenditure at this moment when so much is required elsewhere. The recent news from your side of the Atlantic leads to the conclusion that your supremacy over the insurgents is every day being more clearly shewn, and altho' military operations are always uncertain, I cannot but hope that the time is very near when every Southern man will see that the attempt to set up a new State and Government must fail. The chief conspirators of course will not yield, but the people must lose confidence in them as they are shewn to be powerless to resist the North. I have seen *Mason* under the gallery of the House of Commons; but, as you may suppose, I have no wish to form an acquaintance with him, and have not spoken to him. I hear however that he is speaking with confidence of the

¹ William Henry Gregory, of Galway County.

success of his friends, and repudiates the idea that the South will ever submit, and return into the Union.

I observe that the slavery question moves very slowly. In Delaware some attempt is being made to liberate the slave, but in Missouri, Kentucky, and Maryland, we do not hear of anything being done, altho' I should think the "Institution" there has received so rude a shock, that slave property cannot now be much worth, and that emancipation with a guaranteed compensation, would be a proposition likely to be welcomed by all thoughtful men in those States.

Mr. Cyrus Field told me that an expedition is being quietly assembled at Key West, I think, for an attack upon the forts which defend New Orleans, between that city and the mouths of the river. The occupation of New Orleans would have a great effect in this country, and I cannot but think would greatly influence opinion throughout the South, for with the ports and the great river in the possession of the Government, a mere internal insurrection could not possibly maintain itself long. I observe your proposition to reduce the insurgent States to Territories, but know not whether you are acting on your individual responsibility or in concert with the President, or as Chairman of your Foreign Relations Committee. It seems to me that even yet, you have many Northern men of influence who are unwilling to go on to an attack on slavery, or who fear that such a course might divide your forces by weakening that unanimity of opinion by means of which only you can hope to succeed. Would it not be possible to have confidential friends of the Government employed amongst the leading men of the States of Missouri, Kentucky and Maryland, and show them what a deliverance it would be for them to make their States free under a moderate and guaranteed compensation, and thus to induce them to initiate the proceedings which would be acceptable to Government and Congress at Washington? It will be a great misfortune for America and for the world, if you pay this frightful penalty for your past toleration of slavery, as your sufferings thro' this war may be called, and yet should in any way terminate the struggle without having in some way terminated, if not the existence, the power and permanence of the monster evil.

I fear to hear of any surrender on the part of the South at present, fearing that men would be so glad to have peace, that they would admit the Slave States again to their fellowship, and that twenty years hence you might find the old disturber still present with you. When the white flag is hoisted from the South and when you come to negotiate, then will be the time of real danger, and it may require more statesmanship to make peace, and more firmness, than it has

required to carry on this gigantic war. But I will have faith. I believe a higher power than that of President and Congress watches over the interests of mankind in these great passages of the history of our race, and I will trust that in this supreme hour of your country's being, it will not fail you.

I shall be glad to have a line from you at any time to tell me what is being meditated or done whether as respects the slave question or the operations of your forces by land or sea. I hope we *shall* get something out of the Trent business in favor of a wiser international maritime code. The subject comes on in the House of Commons on the 11th March. Mr. Cobden will speak upon it at length and with great effect I doubt not.

With all good wishes for you, and for your Government and country.

JOHN BRIGHT.

ROCHDALE, July 12, 1862.

DEAR MR. SUMNER, — I have not written to you for many weeks, nor have I had any letter from you since the termination of our anxieties in connexion with the Trent business. I write now to tell you what we are thinking about you. Generally there is an agreement among the public that intervention is impossible, and that mediation cannot be offered in the present position of your contest, and after the unpleasant feelings which have been excited on both sides of the Atlantic. Some attempts have been made to excite our working population on the question, but with very little success hitherto. The last news from your side has created regret among your friends and pleasure among your enemies. I am grieved at it, altho' I have never felt very confident that your success at Richmond was certain; for at that point it was clear that failure to the insurgents must be fatal to their cause. We are waiting with great anxiety for further news from your camp, the latest advices having been confused, but still indicating a disaster to your forces. There is an impression here that your generals have not acted with much harmony, and people think General Pope will do something to improve your position.

General Butler in New Orleans has ruled with the strong arm, and some of his acts have caused unfriendly criticism here. I cannot advise that your policy should be governed by English opinion, but I always wish that everything you do should admit of a fair defence.

I met recently a New Orleans merchant of wealth and good position, not a secessionist. He spoke of the slavery question, and feared your Government was proceeding too fast, if it was thought

to conciliate any Southern opinion. He said the thing the South had to fear in connexion with slavery was that now the rivers are mostly open to your gunboats, you should seize on some large plantation, and divide it into lots of ten acres each, and settle on each of these a negro family, furnishing some of them with arms and expecting them to defend their new possessions if menaced by their former owners. Such a step, he thought, would create a new life among the negroes; the news of it would run from plantation to plantation, and all your negro nation would take sides with the U. S. Government. It seems to me that hitherto you have gained nothing from any danger which the South might reasonably entertain from their slaves, and this I suppose has arisen from the difficulty of taking any strong course whilst your Border States still cling to their evil Institution. To restore the Union, whilst preserving slavery, may be difficult, if not impossible; to preserve unity and harmonious action in the North and in the Border States, whilst assailing slavery more resolutely, may be equally difficult or impossible. I should be sorely puzzled how to act if I were one of you; but the time must come, I suspect, when some more definite course must be taken.

The Charleston business is bad. Nothing should have been attempted there till success was certain; but generals often seek renown at the sacrifice of prudence — and this is probably a case in point.¹

We have very wet weather, not a really sunny and hot day for many weeks, and our harvest prospects are unfavorable. We shall want large supplies of grain and flour from you, which will tend to keep the peace I hope.

If you can write me a good letter, telling me something of the future, I shall receive it with great pleasure. I do not lose faith in your cause — but I wish I had less reason to feel anxious about you. . . .

JOHN BRIGHT.

ROCHDALE, July 14, 1862.

DEAR MR. SUMNER, — I wrote you a few lines by the boat of Saturday. My object in writing so soon again is to say something on cotton.

You have possession of New Orleans, but no cotton comes. It has been said that this arises from the hostility of the planters to reopen trade, and from their wish to influence England by keeping back their cotton. I hear that "Mason," your predecessor in office,

¹ Rhodes, iv. 244.

tells a different story, and says that cotton cannot come because no trade is permitted except to loyal planters and owners; that not the advocates of the Southern cause, but the regulations of the North and of General Butler, are preventing any shipments of cotton. Now I wish to tell you that I think it of great importance that *some* cotton should come. If 100,000 bales or 200,000 could come, it would greatly alter opinion here with many people. There is a growing difficulty here as you may suppose, and I am sure your true interests would gain much by allowing some cotton to come, altho' the proceeds of it found its way into the pockets of some friends of Jeff. Davis. The English press, or rather the London press, are still predicting your failure. The *Times* says your great financial crash is to come in two months from this, the *Post* thinks it not unlikely that your great army will have to surrender; and these organs create an opinion that you cannot overcome the insurrection; and it is this feeling only, — that you are engaged in a war for an unattainable object, — that withdraws so much sympathy from you, and destroys faith in you.

With opinion thus adversely influenced, there is, of course, more room for working mischief, and for schemes of mediation or intervention.

Mr. Ben Wood's unspoken speech, and his brother, Fernando Wood's democratic meeting in New York, are made much of in the London newspapers; and if our Prime Minister dare go wrong, and thinks it will serve his purpose, no scruples will restrain him. I am sure some of his colleagues are against any step hostile to you, and so long as victory seemed permanently located on your standards, all schemes of mediation or interference were permitted to slumber. If, now, you should meet with some disaster and much delay, there would arise a different temper, and evil might follow. I am anxious therefore that you should, even at some sacrifice, encourage *some* shipments of cotton, and that your New Orleans General should not be allowed to make mischief between your Government and ours by squabbles between him and our Consul. News by the boat just in is almost *nil*; we wait for next accounts with a painful interest. Nothing in public affairs has ever before made me so anxious as your great conflict. I wish it to end well, but I am not anxious about its ending suddenly; for the fate of your "black nation" must now be decided, and I cannot think that God has permitted this fearful war to be waged without a plan for the redemption of the four millions of his creatures whose wrongs and sorrows have hitherto appealed to man in vain.

Whilst I write much may be decided, and what I say may be of no use, I write it as you know in good faith and with the most

earnest hopes and wishes for your good. If you can tell me anything good, or anything which may help me to do anything here for your cause, don't fail to write to me. . . .

JOHN BRIGHT.¹

LLANDUDNO, NORTH WALES, October 10, 1862.

DEAR MR. SUMNER, — I was very glad to receive your last letter containing much interesting information on the cotton question. I sent it and the letters, or copies of letters it contained to Mr. Cobden. It is quite clear that your Government was right in not sending an expedition to Texas, when it was a question whether it could keep a footing in Virginia.

I write to you from a feeling of anxiety. You will see what is being said here by public men who speak on your question, and most of all, and *worst of all*, by your old acquaintance and friend, Mr. Gladstone. He has made a vile speech at Newcastle, full of insulting pity for the North, and of praise and support for the South. He is unstable as water in some things. He is for union and freedom in Italy, and for disunion and bondage in America. A handful of Italians in prison in Naples, without formal trial, shocked his soul so much that he wrote a pamphlet, and has made many speeches upon it; but he has no word of sympathy or of hope for the four millions of the bondsmen of the South! I have known for months past that he talked of an European remonstrance, or mediation, or recognition, or some mischief of that kind, but I did not expect that he would step out openly as the defender and eulogist of Jeff. Davis and his fellow conspirators against God and man. He *has* spoken, as you will see by the time you receive this, and what he has said will encourage the friends of the South here to increased exertions to promote something hostile to your Government and people. Palmerston and Russell, I fear, will not need much pressure to induce them to do anything they dare do on behalf of the permanent disruption of your Union.

Now, if I may trouble you again, I want you to write fully and frankly to me, that I may know what is possible and what is likely. If the "proclamation"² means anything it means that you will preserve the Union, even tho' it involve a social revolution in the South and the transformation of four millions of slaves into as many laborers and peasants. If you destroy the armed force of the South, still you will have a population deeply exasperated and disloyal, and government in their States must be difficult if not impossible.

¹ See Pierce, iv. 82.

² Emancipation Proclamation, September 23. Pierce, iv. 106.

If the black nation can be made a population *for the Union*, then to hold the South may not be impossible; but without them, I see immeasurable difficulties in your path. Is the North prepared for all the hazards, and for all the confusion which for a time such a course may render inevitable; and will the Government be thoroughly supported by all the free States in such a policy? I conclude from the fact that the *New York Herald* has not dared to condemn the proclamation, that it meets with the support of your people. If the border States should not take fright at it, it seems to me calculated to be a powerful lever in future operations against the revolt. On these points we have, as yet, scarcely received any information, and I look for further tidings with great anxiety.

As to the war, I suppose in another month the rivers will be in condition for navigation and that you will have a double power of gun-boats and "plated" ships as compared with your navy of a year ago. With these Charleston, Savannah, Mobile and Vicksburg can hardly be retained by the South, and if they are taken, all chance of receiving arms and other supplies from Europe will be cut off. Then, your new levies will form armies, I suppose much more numerous than those of the South, and the conspirators will find it difficult to keep any overwhelming or very large force in a country bared and desolated as Virginia must now be. The season too is favorable for any movement either by land or sea.

In addition to this you may have black regiments at Beaufort, New Orleans, and on the Mississippi, if you are resolved to use all the weapons in your power; and along the rivers where your gun-boats penetrate you may shake loose all the negro population from their owners and then destroy the whole basis of labor on which the Southern forces rest, and destroy at the same time the "corner-stone" on which their infamous State was to be established. All this is terrible to think of, but not so terrible as the thought of the four millions and their posterity, condemned to a perpetual bondage, should the efforts of the North fail to deliver them.

I talk with men daily, and try to influence opinion in favor of the right; and before long I may have to speak in public on its behalf. I want you to tell me, if you can, what I may hope for, and what I may believe, that I may have my faith corrected or strengthened. Will the North persist? Will it grapple with the slavery devil and strangle it? May I believe that your country will be held together?

I begin to believe that another crop of cotton *from slave labor* will never again be grown on your Northern continent. Terribly as this would make me and mine and multitudes here to suffer, I cannot wish it otherwise.

I am here with my family, where you visited us, but expect to be at home about the end of the month; therefore please to address me *Rochdale* as before. I shall be grateful to you for some reply to this, for I am very anxious for tidings to sustain my faith. . . .

JOHN BRIGHT.

Surely that childish project of removing the black people from America will cease to be talked about. It damages the character of your President and Government.

Private.

ROCHDALE, December 6, 1862.

DEAR MR. SUMNER, — I have received your letters with much pleasure. To one part of them I wish particularly to reply. You think England is becoming more and more hostile to you,¹ and this I am not surprised at when I consider some things done and said here, and the shape they must take when seen from your point of view. Yet I can say, I think positively, that England is not *more* hostile; in fact my opinion is that there is much less of open and expressed hostility than there was some time ago. It is true that in Liverpool there is a "Southern Club" and that the *Alabama* was built in and sailed from the Mersey. But our Government admits the violation of international law, and of its own "Foreign Enlistment Act" in the fitting out of that ship, for it actually issued an order for her arrest, which was evaded by the vessel's being, as it were, smuggled out to sea before she was ready, and before she was expected to go. I wrote a strong letter to a friend of mine in the Government, and he replied that Lord Russell was most anxious strictly to enforce the law. I suspect that what you hear of other ships building here for war purposes is much exaggerated. The acts of the captain of the pirate vessel on the high seas have not been of any advantage to the South so far as they have influenced public opinion here.

The anti-slavery sentiment here has been more called forth of late, especially since the Proclamation was issued, and I am confident that every day the supporters of the South among us find themselves in greater difficulty owing to the course taken by your Government in reference to the negro question.

Then there is the French mediation proposition, which, utterly silly as it was, might have led to great mischief, if our Government had been prevailed upon to endorse it. I can assure you that the refusal of Lord Russell to unite with France in that matter has been cordially approved throughout the country, and even by those who, like Mr. Gladstone, believe your undertaking hopeless, and many

¹ Pierce, IV. 108.

of whom doubtless wish that you may ultimately fail in your efforts to restore the Union.

Judging from the tone of our press, and from all I can hear, I think England is not *more* but is, really, *less* hostile than she was some time ago, and the more you seem likely to succeed, the more will your friends and moderate men show themselves, and your enemies be driven into obscurity. To me it seems that mediation or intervention is less likely and less possible than ever, and that recognition will be a thing not even talked about by any sane man, if you once obtain possession of your Atlantic and Gulf ports.

I have always spoken of this as the one thing needful to shut out all idea of European meddling; for with the ports in your possession, the struggle becomes a mere internal temporary confusion and insurrection, and all pretence of recognition, or of mediation *on the basis of separation*, is done away with.

Looking on from here, I can almost imagine that your wisest policy might have been to keep a sufficient force to guard Maryland and Pennsylvania from attack, and to have made the seizure of all the ports your great and first object. This done and the great river cleared, and your gunboats traversing all your rivers, the Southern army in Virginia would have had difficulty in sustaining itself, and would have been more easily dealt with afterwards.

With regard to your elections, I am not much surprised at what has happened, for there must always be dissatisfaction with a want of success, and old party names have great influence, and your party is rather too *moral*, on the whole, for the States wherein are to be found the great *cities*. New York State, without the city of New York, is for you; but the city itself is against you, and turned the scale of the whole State in favor of your opponents. I think now the result of your elections has not much influence on opinion here, and people come to the conclusion that the war will go on till something like exhaustion takes place, and then that something will be patched up, and that in the meantime slavery will have received a severe, if not a mortal blow.

The Proclamation, like everything else you have done, has been misrepresented, but it has had a large effect here, and men are looking with great interest to the 1st January, and hoping that the President may be firm. I agree with you entirely as to the absolute necessity of dealing with slavery if you are to succeed in the struggle, and to have peace in future; for the battle is not worth the winning, unless it gives you that future *solidity of peace and order* which is impossible while slavery remains as a political and aggressive power among you.

I am surprised that any of your statesmen should doubt this, and

most of all, as I have heard from various sources in the case, that Mr. Seward should doubt; for he is the author of the phrase "irrepressible conflict," and yet in this inevitable contest he is said to doubt the necessity of grappling with a mortal resolution the foe which seeks to destroy everything he holds dear!

I see what the *Tribune* says about negotiations between the Democratic leaders in the North, and the leaders of Secesh. Can there be any truth in this? Surely if anything of the kind should be proved, your Government will know how to deal with treason of this nature. Such a negotiation can only mean the selling of the free North to the vile principles and policy of the South.

I see too that *Lee*, the Southern General, is said to have protested against the Proclamation! Doubtless it is an unpleasant measure to him and his employers, but not on that account the less to be adhered to by the North. If the President be firm, I suspect your great work will go on fast, and the weakness of Slavedom will become more apparent every day.

If I were in the place of your Government, I would have a body of negro troops drilled and armed at the chief points on the great river, and at New Orleans, Pensacola, and Beaufort, and wheresoever you obtain a solid footing. A force of 10,000 men at each of these points would do everything for you, and would give such hope to the negroes throughout the South that all idea of a servile war would vanish, and you would secure, in the midst of the conspiracy, one half of the population entirely in your interest.

This country is passing thro' a wonderful crisis, but our people will be kept alive by the contributions of the country. I see that some one in the States has proposed to send something to our aid. If a few cargoes of flour could come, *say 50,000 barrels*, as a gift from persons in your Northern States to the Lancashire working-men, it would have a prodigious effect in your favour here. Our working-class is with you and against the South; but such a token of your good will would cover with confusion all those who talk against you. I wish Mr. Peabody's gift had been in this shape; it would have served a great end in favor of present good feeling and future peace between the two countries.

It is not unlikely that I may have to speak before long to my constituents at Birmingham, but nothing is yet fixed in regard to it. If you can tell me anything, I think your writing to me will not be in vain. I speak to many persons on American affairs and influence some. I can imagine something of your anxieties at Washington, and wish your Government and people may have wisdom and firmness in this great crisis of your history. . . .

JOHN BRIGHT.

ROCHDALE, January 30, 1863.

DEAR MR. SUMNER, — I write you a hasty note in consequence of the renewed attempt of the Emperor of the French to bring about some negotiation with the South. I cannot find out whether our Government has anything to do with the matter or not. I think it has not, and I have recently seen a friend of mine who ought to know.

I wish you to tell me in what way this proposition is received by your Government and your people, and what is thought of the Emperor's letter to one of his generals in which he partly justifies his invasion of Mexico as a means of preventing that Country from falling into the hands of the United States. I suspect this letter will not make peace counsels more acceptable with you. There is so much talk of armistice, and negotiation, and peace, that we are sorely puzzled what to look for — and I am very anxious on *public* and *private* grounds to have some information as to the probable future.

If you can spare me half an hour, just write me what is likely or possible.

You will see what meetings are being held here in favor of your emancipation policy, and of the North in general.¹ I think in every town in the Kingdom a public meeting would go by an overwhelming majority in favor of President Lincoln and of the North. I hope what is doing may have an effect on our Cabinet and on the Parliament which meets on Thursday next the 5th February. I am grieved to see the animosities and divisions among your political parties in the North. It is a bad sign, and must tend to weaken the Government and to give spirit and hope to the insurrection.

Jeff. Davis's recent speeches do not give me the idea that he is very confident. He is furious and abusive in his language, and speaks like a man with a losing cause.

The Galveston affair is discreditable to somebody, and it surprises me that, altho' you have so many armies in the field, the insurgents seem always to meet them with an almost equal force. Their whole white population must surely be drafted off to the war.

It seems to me very important to keep Tennessee, and to clear the great river by possessing Vicksburg and Port Hudson, and I dare say all is being done that can be done. It is sad to feel an interest in operations so destructive of life and so terrible in every way. I am going to Liverpool tomorrow to see Mr. Dudley, the U. S. Consul, to get some facts about the *Alabama*, about which we shall have some talk in the House very soon.

¹ Rhodes, iv. 350 *et seq.*

Excuse my troubling you. I received your last letters with much pleasure.

With best wishes for you and your great cause. . . .

JOHN BRIGHT.

Our Southern newspapers are surprised and puzzled at the expression of opinion in favor of the North.

P. S. Is it possible that Slidell & Co. have got the Emperor to urge some negociation for peace to let the South down easily? In their extremity this may be the case.

I am led to ask this because I am unable in any other way to explain the course of the Emperor. Either this or his morbid craving to be doing something to "distinguish himself" may account for what he is doing.

January 31, 1863.

ROCHDALE, April 4, 1863.

DEAR MR. SUMNER, — Mr. Cobden sent me your last letter to him.¹ I am very uneasy at the irritation which arises from the building of the pirate ships in this Country.

Some meetings will be held to condemn the conduct of the builders, and of the Government, but the House of Commons is not disposed to say anything in the matter.

The Government is supported nearly as much by the Tory party as by the Liberals, and there is little chance at present of any change. Palmerston, I am convinced, is no friend of your country, and his cold or hostile neutrality is well liked by the great aristocratic party and class of which he is the chief. Lord Russell speaks fairly, but he is feeble, and no reliance is to be placed on our Foreign Office.

I can only hope that your progress will be so evident between now and June, as to show the utter uselessness of any efforts here to help the conspiracy.

If you can get possession of your great river, opinion here will act strongly in your favor; and if you take Charleston, of which I have doubts, you will put an end to the business of the blockade-runners, and liberate some of your navy. All depends on your success in your military operations, for your success will ruin all chances of the South in this country. Even now the *loan* is at a discount, and I shall not be surprised to see it become almost unsaleable. The public are not in its favor, and every day I look for it becoming less and less liked.

The debate on the *Alabama* was badly managed and told against us. It should only have taken place after careful preparation. I

¹ Pierce, IV. 129.

had not made any arrangement for it and spoke only that I might not leave our friend Forster without any support. The speeches of the Solicitor General and Palmerston were untrue and altogether bad in tone. You will see a report of a meeting of the Trades Unionists of London at which I presided. It was a great meeting and means much; for those present were the choice men of the London workmen and artisan class. I endeavored in my speech to widen your great question and to show its transcendent importance to labor all over the world. The speeches of the workmen were logical and good, and I am sure the effect of the meeting must be great.¹

We are waiting, with anxiety, for news from Vicksburg. You know much now that we wish to know. I can only hope the news when it comes, may be such as we wish. Some people think they discern signs of the collapse of the conspiracy, but I think the slavery question is hardly sufficiently advanced to permit the war to close. I am surprised and alarmed at a recent article in the *Tribune*, saying that if the insurgent States were now to lay down their arms, there is no power in the Proclamation or in the Government to save the negroes in those States from continued bondage.

It is assumed that each State will still retain its power to continue slavery, and that the Proclamation will be forgotten, and have no force. But surely, if a black man is now a *citizen* of your country, and if the negro is freed by the Proclamation, it cannot be in the power of any State to make slaves, within the limits of your free nation, of men once free. Can any State make slaves of white men? If not, then why of black men? The *Tribune* seems to me to be backing out of its principles, and out of all the arguments on which it asked for the Proclamation. If, after all, slavery is to be sacred in the South, why carry on the war and why hope for the Union, to be again the great security of Slavery?

I hope the President will remain firm against the letters of marque, so long as peace is preserved. They will do no good and only tend to war. I was sorry your fight against the bill was in vain. . . .

JOHN BRIGHT.

ROCHDALE, April 24, 1863.

DEAR MR. SUMNER, — There seems mischief brewing between your Government and ours.

You are justly irritated about the "pirate" ships, and efforts are made here to create anger about the seizure of vessels from England to Matamoras. The fact, too, of Commodore Wilkes being active

¹ Rhodes, iv. 353. The meeting was held March 26.

in these seizures, is made a ground for special suspicion that international law is purposely disregarded on your side.¹

I hope the course taken by our Government in respect to the ship *Alexandra* now in Liverpool, will do something to calm the feelings of your people. So far as I can learn our Government is in earnest in the prosecution begun against the persons concerned in the building and equipment of this ship, and I believe they will act at once in any other case where evidence can be obtained. As regards the *Peterhof*, I do not doubt that your Courts will hear fairly and decide without bias. One of her owners has told me that she was honestly bound for Matamoras, and that she was not legally liable to seizure. Irritation is inevitable from the legal and necessary conduct of your war vessels, but the greatest care should be taken to use their powers, even their legal powers, with the greatest moderation. Whether a ship more or less breaks the blockade is of no real importance to you or to us; but whether you should be interfered with in your efforts to suppress the Southern insurrection by a war with England, is of an importance to you and us that words cannot describe.

With the jealousy which exists here with regard to all you do and with the evident wish to damage you on the part of a powerful party here, I can only hope that your Government will keep strictly within known and acknowledged law, and thus baffle its enemies whether at home or abroad.

Mr. Roebuck is of small importance here. His vanity is so overpowering that anything which gives him notoriety seems to his mind of more value than the peace of the world. To Russia — to France — to the United States he is, in turn, equally offensive; but he does not represent England, or any considerable number of Englishmen, and therefore his language may be passed by as that of a man not governed by reason or conscience. Mr. Cobden will speak this evening in the House, and I am not without hope that the discussion may be useful. I am prevented being present owing to a domestic event which yesterday added to my already numerous family.

¹ The *Peterhof*. See *Diplomatic Correspondence*, 1863, 178. Wilkes was reported to have "publicly threatened to capture a British mail packet, bound for a British port, on the sole ground of her carrying to that port officers, or other passengers, belonging to the so-called Confederate States." Secretary Welles wrote to Wilkes, trusting there had been some misapprehension on the subject, or if he had so threatened, that he would "take no steps towards carrying it out, or which would lead to an unpleasant discussion between the Government of the United States and that of Great Britain." Wilkes denied that he had made any such threat. *Ib.* 465, 467, 502.

The news from your side gives me some anxiety. Our last tidings from Charleston tell us that the first attack has not been successful — perhaps the next report may be better. What a terrible evil the pride and passion of that small city have been in your country! And what a penalty it has paid and is paying for its crimes!

Mr. Adams is much assailed here, but I cannot understand the ground of it. Lord Russell does not, I think, mean ill, but he is not strong enough for difficult times. . . .

JOHN BRIGHT.

Private.

LONDON, May 2, 1863.¹

DEAR MR. SUMNER, — I have your several letters, and have read them with a deep interest. I see all the danger to which you point, but which to our people is not so apparent as to yours.

Here the Southern advocates are a considerable party, noisy and active, and they are in possession of a large portion of the London press. The people too are not informed on the legal difference between selling arms and equipping war ships, and as they know that great quantities of arms have been sold to the North, they argue that it must be equally lawful to sell arms or ships to the South. And Mr. Seward and Mr. Adams have lent some support to this view in complaining of the sale of arms to the Conspiracy as if it were an offense in magnitude equal to that of furnishing ships of war. Since the South were admitted as belligerents, in respect of the sale of arms, you have been treated as two nations equal in the sight of our Government, and one as much in their favor as the other.

You have imagined that our sympathy with the U. S. Government should have given it an advantage in this matter over the concern at Richmond; but it has not been so. The love of gain, and the sympathy for the South openly expressed by our papers, and almost universally felt by our richer classes, have entirely prevented this. But with regard to ships, we have an express enactment, and that has clearly been broken; but our people confound the two things, and therefore with us, generally, there has not been so much sense of danger as with you. Here, there has been attempted to be made a grievance out of the seizure of the *Peterhof*, and the opening of letter bags; but two days ago our Government learned that the bags were to be forwarded to their destination unopened.

I am told that the decisions of our judges in past times would

¹ May 6 in copy left at Rochdale.

have justified you in opening the mails; but it is far wiser for you to keep *within* the powers formerly insisted on by this country, and to maintain your character as a nation disposed to a lenient interpretation of the laws touching belligerent rights.

With regard to the ships, I believe Lord Russell is really sorry that the case of the *Alabama* occurred, and that he is now anxious to prevent further mischief. The debate to which you refer was unfortunate, and the speeches of Palmerston and Palmer were wicked. I am satisfied that they were opposed in *tone* to the Foreign Minister's intention, and I have reason to believe that he was dissatisfied and has remonstrated against it. The subsequent debate on Friday last was a different affair, and the Prime Minister and his Solicitor General were as mild and decent as we could wish them to be. I hear too from the best sources, that no more ships will be allowed to go out, if any fair ground can be shown for interfering with them. The speech of Mr. Cobden was excellent last Friday, and opinion this week is moderate, and without excitement. This bad old man, who for our many sins is permitted to rule over us, is a demagogue of the very worst order. He gives in to the passion of the hour, and to gain the applause of the least conscientious and moral of the people, he bears himself insolently to almost every nation by turns. I once described him as the "Feergus O'Connor" of the middle classes, said Feergus being some twenty years ago the great mischief-maker among our working-classes, and a man wholly without principle or honour.

I hope when you hear of the change here, you will experience a like change with you. If your Government will go on with a calm and dignified moderation, I think there is a power here to prevent any wanton mischief on this side, and our Foreign Minister, notwithstanding those dispatches to which you refer, and which, to my mind, are a mixture of feebleness and spite, does not really intend evil, and would not, I think, regret to see your forces triumphant, and your Union restored. One of our Bishops, some years ago, sitting next to me at dinner, and pointing to Lord Russell on the opposite side of the table remarked, "that is the smallest great man that I have known;" and there is much in this, for with many good sentiments, and with so much of good sympathies as is possible with so cold a nature, there is about him a certain feebleness and changeableness which are remarkable. He writes petty and irritating dispatches to Lord Lyons or Mr. Seward, whether from some temporary infirmity of temper, or from a wish to seem to go with the prevailing opinion of his order, I am not able to decide. But there is good in him and I am not sure that if we change him we shall get a better man in his place.

With regard to the resolution, a copy of which you sent me, I approve entirely of it, and indeed I think the effect of nearly every meeting held here has been in accordance with it. But really there is no voice raised now in favor of recognition or intervention in any shape and the danger is not such as to require any special action to guard against it. I believe so long as the war continues our Government will remain spectators of the conflict. Lord Russell is not in favor of war in partnership with Louis Napoleon; he withdrew from it in Mexico, and refuses to go into it, or to run even a risk of it, with Russia, in the case of Poland, and I believe he will steadfastly oppose any scheme of interfering with you. Your fate seems to depend on yourselves, on your armies and fleets, and on the pressure under which the conspirators are suffering. Mr. Cobden and I discuss your affairs incessantly and with an interest as complete as if we were members of your Senate. I am going this evening with the Trades Unionists' deputation to present their address to the President to your Minister here. Thank you for your letters. . . .

JOHN BRIGHT.

LONDON, May 15, 1863.

DEAR MR. SUMNER, — The son of a widow living at Birmingham which Town I represent in Parliament, finds himself in trouble at San Francisco. His family wish me to do what I can in his favor; he may be only a foolish young man who has thoughtlessly and ignorantly brought himself into trouble.¹

I write to his family to say that *hanging* is not much the custom of your Government, and that I will write to an influential person in America who may perhaps be able to save him from any severe punishment. Is it too much for me to ask you to procure his liberation on condition that he shall at once return to England? I think your Government might do this for him without harm to anybody, and I shall feel grateful to them if they can set him free. I enclose a letter from his brother which will inform you of the case more particularly. In bringing this matter before you, I assume that there is no *special* guilt in the young man's conduct.

¹ "Alfred Rubery from the evidence is one of the principals in the *Chapman* affair. Correspondence with sympathizers in victory was conducted by him. He is in confinement at Alcatraz Island. The case is in the hands of the U. S. district attorney. No facts have been elicited showing him to be an object of Executive clemency. The feeling here is strong against all such actions." *Brigadier General George Wright to Secretary Stanton*, June 1, 1863. The schooner *J. M. Chapman* was seized in San Francisco harbor March 15, suspected of being intended to prey upon the commerce of the Pacific coast. *Official War Records*, Series I, L. vol. I. Part ii, 357, 449; Series II, v. 726.

Pray excuse me for giving you the trouble to interfere on his behalf.

Everything here is very quiet as to American affairs. There has been much mischief done; I only hope we may see no more of it. We are very anxious as to what has before this taken place in Virginia, and hope that present boldness may be more successful than past caution and timidity have been. Along the course of the great river, events seem much more favorable, and I hope they may continue so. I hear from the best authority that our Foreign Minister is "going better" in regard to your struggle, and one of his colleagues is expressing a strong opinion that your cause is making a decided progress. Many thanks to you for the copy of your Debates. . . .

JOHN BRIGHT.

ROCHDALE, June 14, 1863.

DEAR MR. SUMNER, — You will have seen in our papers, or in yours, that an anti-slavery conference of ministers of religion was held in Manchester on the 3d of June, and that an address to Ministers of all Christian Denominations in the United States was then adopted. I believe this address has been signed by more than 4000 ministers. It was determined that the Address should be conveyed to America by a deputation appointed by the conference, and Dr. Massie¹ and Mr. J. H. Rylance were chosen to proceed to the United States on this honorable service. Dr. Massie has long been a minister in the Congregational and Independent Church, and Mr. Rylance is a minister in the Established Church of St. Paul's, Westminster. Mr. Rylance sailed on the *City of New York* on the 10th of this month, and Dr. Massie is expected to sail in the *City of Baltimore* on the 17th inst.

These gentlemen wished to take with them some letters of introduction and I give them this to you being assured that their mission will give you great pleasure, and believing that it will tend to strengthen a most holy cause, with which, thro' all time, your name will be inseparably connected. I hope their visit will not only be of service in the cause of freedom, but also in the cause of peace. . . .

JOHN BRIGHT.

LONDON, June 27, 1863.

DEAR MR. SUMNER, — I am indebted to you for your care in the case of the young Englishman about whom I wrote to you. His family have not heard from him for six weeks past, and suppose

¹ James William Massie (1799-1869). See *Dict. of National Biography*, XXXVII. 7.

that his letters are not forwarded. I hope that he may be treated with some leniency, seeing how little severity has been shown to the many "traitors" with whom your Government has had to deal, and I can hardly suppose that any public interest can suffer from sending him off to England. He must be wonderfully stupid to have engaged in any conspiracy, and yet I hear that he is sharp and clever, and was educated at the London University. He seems to be intimate with a family of the name of Parker, of Katonah, Chester County, New York, as a Miss Emily J. Parker has written to me about him, evidently strongly interested in his fate. If opportunity offers I will thank you to keep a little watch over the case.

This morning we have the news of another invasion of Maryland and Pennsylvania, and know not to what it may lead. It causes me great anxiety. Roebuck brings on a motion on Tuesday, the 30th for the "recognition" of the South. I had hoped that before that day news might have reached us of the fall of Vicksburg, in which case, I believe, the proposition would not have been made.

Now it will be made and discussed, and there are some men in the House whose voice will be very unfriendly to your country. The Government are opposed to the motion, and doubtless will oppose it, but there is no reliance to be placed on Palmerston. He may speak apparently in opposition to it, and yet in a manner unjust and injurious to the North. Just now, however, he is ill from gout, and has not been out, I think, since Tuesday. Possibly he may not be in the House on Tuesday next; and if so, the debate will probably be postponed. The bad news, or the appearance of it this morning, will tend to stimulate the friends of the South here.

The *Alexandra* case has failed, owing chiefly to the ruling of the Judge.¹ He is about 80 years old, and should have retired ten years ago. Many think his ruling will be overruled when the case is again argued. If not, the Foreign Enlistment Act is of no value to prevent any amount of naval assistance being given to the South.

I am to dine this evening with Mr. Adams to meet Mr. Evarts and others.² I am disappointed that we shall have nothing to congratulate each other upon. The impression here is that your Government is incapable, that it lacks two essential qualities, *foresight* and *force*.

With such vast operations, you need a large reserve force to meet accidents. Wherever you turn, you are met with an equal force to

¹ Sir Frederick Pollock.

² "We had a small company to dinner, consisting of Mr. Evarts, Mr. Girard, Mr. Bright and Sir George Young. Much to my amusement they sat until nearly midnight at table." Charles Francis Adams, *ms. Diary*.

that you have, and till this is changed any great success seems improbable. It is thought here that Hooker is inferior in force to Lee, and this may lead to desperate reverses. I can only hope that your faith and mine in the final issue may be well founded, but I sometimes ask myself whether the crime against the African will not entail a penalty far greater than we have calculated upon.

Mr. Conway¹ has made a great blunder here. He did not advise with me. Had I known his lack of judgment and of his foolish correspondence, I should not have presided at the meeting at which he spoke. I hear that his fault arose from conversation with some literary men — Tennyson and Browning, and I am not sure if Mr. Hughes and Bishop Colenso were not of the party. They thought it would be a great thing to get an admission from Mason that, *even for independence itself, the South would not give up slavery*. So, Mr. Conway, like a child, writes to Mason offering separation for abolition! It has done no harm here, but I fear it will do harm with you, in allowing the *Herald* and such as he, to attack the Abolition party as anxious to sell the country for abolition. Mr. Conway is willing to be a sacrifice to his own folly, and is very sorry for the mistake he has made. I am very sorry too, for it has caused him much suffering. Miss Martineau has been greatly excited about it, and so has Richard D. Webb of Dublin. I have tried to calm things, and to show that an individual blunder will not much affect the great cause.

Among the Americans here, friends of the North, there is great want of confidence in your Cabinet at Washington, and I cannot but feel that great losses of men, and means, and long delays, and apparent mismanagement, must have the effect of creating a disgust with the war or a disgust with those who are responsible for its failures.

I hope another boat may bring us better news and that this season may bring some considerable success to your cause.

I am leaving London next week, and my address will be *Rochdale* until the meeting of Parliament again, I hope not before February next. Thank you for the books — my American literature is becoming quite extensive. Believe me alway . . .

JOHN BRIGHT.

ROCHDALE, July 31, 1863.

DEAR MR. SUMNER, — I need not tell you with what feelings of gratification and relief I have received the news of your recent suc-

¹ Moncure D. Conway. The incident is described in C. F. Adams, *Studies, Military and Diplomatic*, 369.

cesses. The debate on the foolish "Roebuck" proposition took place when there was much gloom over your prospects, and the friends of "Secesh" here were rejoicing in the belief that your last hour had come.¹ How soon are the clouds cleared away and how great is now the despondency of those who have dishonored themselves by their hatred of your people and Government!

The loan is down near 20 per cent in little more than a week, and is now, I suspect, unsaleable, and people are rubbing their eyes and wondering where the invincible South is gone to. Our pro-slavery newspapers are desperately puzzled, and the whole mass of opinion is in confusion.

We look for the early capture of Charleston, and suppose that Mobile must soon follow. There will then only remain the rebel capital which, of itself, notwithstanding Mr. Gladstone, will hardly make a nation.

But now will come your difficulties of statesmanship. You may succeed in the war, and the "Copperheads" may fail in their base attempts to weaken the Government, but the great question remains, how to manage the slave question, and how to reorganize the Governments of the restored or Southern States? I have been trying to settle something in my own mind about this, and the difficulty only increases as I attempt to measure it. I begin by accepting the Proclamation as a fact not to be undone or reversed. From the letter of the President to the Louisiana planters, I gather that he wishes or expects that State to amend its constitution before it returns to the Union, and I suppose this means that it should deal with the slavery question.²

This has occurred to me: when the rebel armies are dispersed it will be necessary for the Government to announce some policy. Would it be possible to declare, that, in accordance with the Proclamation, slavery was legally at an end, and that anything in the Constitutions or laws of the States which legalized and enacted slavery must be repealed and abolished to give them a right to their ancient position in the Republic? Unless something definite and resolute is done, you may have the States repealing their ordinances of secession and assuming their old position in the nation, and electing members to Congress, etc., and then beginning a fight with the central Government in the Supreme Court as to the legality of the Proclamation and insisting on the retention of slavery. The Government would be powerless under such circumstances, all the

¹ *Annual Register*, 1863, 126. Pierce, iv. 142.

² Letter to E. E. Malhot and others, June 19, 1863. *Abraham Lincoln. Complete Works* (Nicolay and Hay), II. 356.

base pro-Slavery party in the North would unite with the South and possibly your next Presidential election may be made to turn on this vital question, and your whole nation may be dishonored forever by the repudiation of the Proclamation which the existing Administration has failed to sustain.

At present you can maintain a military rule in each conquered State; this is natural and legal. Such a rule will be distasteful to the population, and you will wish to put an end to it — the terms will be discussed. Can the Government declare the Proclamation an unalterable decree, and that any State which places itself in harmony with it shall immediately be restored to national fellowship, with its ancient rights and freedom? As to compensation in the rebel States, the Government gives none, leaving the States to deal with that question if they see fit. I think it will be necessary to act with great determination, or there will be a desperate effort to get from under the Proclamation. The question of the status of the negro, or his education, etc., will be full of difficulty, for the Government may be unable to deal with it, without the States, and the States may throw many obstacles in the way.

There will be the question of the debt to arrange. Not a farthing of the Southern debt should be taken by the general Government. If the rebel States are willing to pay it, besides their portion of the national debt, well and good, but I suspect repudiation will be their policy.

Our session is over — my address is at *Rochdale* now and for some months I hope. I am going to Scotland for a month for exercise and refreshment. . . .

JOHN BRIGHT.

Private.

ROCHDALE, September 11, 1863.

DEAR MR. SUMNER, — Your last letter¹ conveys to me very much of what my last conveyed to you on the subject of the re-admission of the now slave States into the Union, and I am greatly pleased to learn that there is a probability that Florida will take the "pledge" of abolition and ask to come back as a free State. Speaking to an American a few days ago, (Mr. Osborne, chairman of the Illinois Central Railroad,) I told him that his countrymen had humiliated themselves before slavery out of idolatry of the Union, and I warned him not to add infamy to their former humiliation by remitting men to slavery whom the Proclamation had freed, out of the same worship of the Union. The Union is only good and great, when a Union of freedom, and any compromise which gives up the

¹ Pierce, iv. 143.

Proclamation will be the most deplorable event in history; it will be a curse on your reputation which no time can remove. It is, too, wholly unnecessary and inexpedient; for when Union can be had with it, it may be had six months later without it.

You will hear by this mail that the ironclad steam rams are detained by the Government. I believe there is no doubt of this. I supposed the changed position of your affairs has helped our Foreign Office to the decision they have come to! Lord Russell has just made a short speech at Dundee, and he has said nothing foolish, which shows that there is an opening of the eyes among our statesmen as to the prospects of your war.

It would be curious to have a speech from Gladstone now. Perhaps *he* is beginning to doubt whether Jeff. Davis has made a nation. There is much cleverness mixed with little wisdom or much folly in some men, and our Chancellor seems to be one of them. I think I shall make a selection from the writings of the *Times* and the speeches of our public men, and publish them, — that their ignorance and folly may not be forgotten.¹ There are still men in England so ignorant as to believe in the South, and who will buy their loan at a discount of 30 per cent, but it cannot go above that point. Possibly some people rely on the French Emperor, and the talked of treaty between him and Jeff. Davis. It is too late for a Treaty now; Jeff. has nothing to offer, his "national" pretensions are as badly off in the market as his paper dollars are, and I do not think the concern in Paris will strike hands with the concern at Richmond.

I have been reading the account of the capture of the ironclad steamer *Atlanta* off Savannah. Your 15-inch guns throwing a shot of four hundred and forty pounds have no equal in the world, and I suspect that no large ocean-going ironclad ship could stand for an hour before one of your monitors. These new vessels armed with the 15-inch guns are perfect for defence, and I hope they may be used only for defence, and be unable to cross the ocean; so England and America may be unable to assail each other.

Can you say anything about cotton? If the great river is open, surely something should come down. We want it sadly here.

I suppose Mobile will be taken, and that by the Alabama River your forces will penetrate northward. When the Richmond Government consists only of Lee's army it will be in danger.

There is a telegram here that Davis is calling out 500,000 negroes,

¹ This was never done by Bright, but in 1865 appeared *The Times on the American War. A Historical Study*. By L. S., well known at the time to be Leslie Stephen. It is reviewed in the *Nation*, October 19, 1865.

and arming them, promising them freedom and fifty acres of land each when the war is over. Is he firing the magazine?

I hope now all chance of evil with us is over. Our press is being converted, our Government will be civil, and our Secessionists will become ashamed of themselves. You must quarrel with nobody while the rebellion continues, and hereafter forgiveness will be nobler than revenge. . . .

JOHN BRIGHT.

ROCHDALE, November 20, 1863.

DEAR MR. SUMNER, — I see from your papers that the prisoners taken on board the *Chapman* at San Francisco have been tried and found guilty; but nothing is said of the sentence passed upon them. If you can hear anything of the youth *Rubery*, and if you can do anything for him, I shall be glad if you will not forget him.

I have nothing new to say from this side. Neutrality is agreed upon by all, and I hope a more fair or friendly neutrality than we have seen during the past two years. There are still heard some voices against you, for there is a wonderful ignorance here in all classes on everything American, but I can see and feel all around me that another tone prevails and that the confident predictions as to your failure are uttered much less frequently even by the most rash of your opponents.

The *Alexandra* case is again on in our Court of Exchequer, and I can form no positive opinion as to the result. The Judge is Tory, very old, eighty years of age, obstinate, without being of the highest class of mind, and he may keep the Court to his former wrong course. If the decision is again adverse, it may force the Government to ask Parliament for an amendment of the law, which I think Parliament would grant without difficulty; but some persons think otherwise.

The slaveholders' loan falls still; it is now at 32 discount, £90 stock having fallen to 58. You feel confident doubtless that it is not worth one farthing? At this moment I see that it has fallen still lower, to 56½, which is not encouraging for the friends of the rebels.

I read a letter lately written by General Banks to a friend in America. He speaks most favorably of the change from slavery to freedom in Louisiana and says that State could be brought into the Union with *Freedom* by the vote of its people, in a month from the date of his letter, about September 9, I think. I hope this is true, but, if true, why is not something done in the matter?

Your next election for President is near. To me it seems that Mr. Lincoln must be your best candidate, and will carry more votes

than Mr. Chase, or any of your generals. He is not so entirely identified with abolitionists *as a party* as Mr. Chase is, and will receive the support of the large and moderate and quiet section which is important among every people. You must have no division in your ranks — that would be fatal to every interest of the Country; and if Mr. Chase is wishful to be President, he may have it in 1867 probably, if he wisely guides your finance department till the war is over. It is remarkable that in this country, all parties have a high respect for Mr. Lincoln — so much does a real integrity gain upon the minds of all men.

I am anxious to hear what is doing between Grant and Bragg. If Grant succeeds, the contest will be evidently tending towards its close. Tomorrow's news may be of great importance. Richmond seems on the way to famine, and I can hardly see how the insurgents can maintain large armies so far North throughout the winter.

Mr. Cobden comes to Rochdale to address his constituents on Tuesday next, the 24th inst. I dare say he will say something about international law. I do not intend to say much about America, but shall consider your question in safe hands; that is in the hands of the people of the United States — where I am willing to leave it.¹

I send this to Washington where you will be about the time the *Scotia* will reach New York. . . .

JOHN BRIGHT.

ROCHDALE, December 15, 1863.

DEAR MR. SUMNER, — The inclosed letter relates to the case of a boy of seventeen years old, the son of one of my former constituents in Manchester, who is now in your army, at Hilton Head, I believe.

Can you undertake to obtain his discharge? He is young, of delicate health, and his parents are in deep grief at his conduct and absence from them.

I think Mr. Stanton will be able to spare so young a boy, if you apply to him.

There is nothing new here. All parties are tolerably quiet now on your question, and some persons are becoming more cautious. I shall be curious to see the tone of our Parliament when it meets some six weeks hence. There will be more respect shown to you than in the last session.

We are looking daily for the President's message, and for some plan on which you can have reconstruction without slavery. We had a great meeting in this town, three weeks ago, when Mr. Cobden spoke

¹ Pierce, IV. 171.

out well on the slavery question. The meeting seemed unanimously with us.

Excuse my troubling you with this case — I have rejected many applications to write on behalf of Englishmen in the States, as you may well suppose. . . .

JOHN BRIGHT.

The boy Richardson was here in the employ of Mr. T. B. Potter, Chairman of the Union and Emancipation Society of Manchester.

P. S. I have with me now Mr. Rubery, the brother of the unfortunate young Englishman who has been convicted of treason at San Francisco. He has a recent letter from him saying that he is in a cell or room about ten feet by five feet, which is miserable enough, but that his diet is not to be complained of. His Mother is suffering fearfully from the circumstances of her son.

J. B.

ROCHDALE, January 22, 1864.

DEAR MR. SUMNER, — Your letter of the 15th December gave me much pleasure. I am greatly obliged to you for the trouble you have taken in the affair of Rubery. His poor Mother has written to me to express her gratitude for what has been done for her son. It is a curious fact that her daughter, who has been for some months sinking into a condition of insanity, aggravated by the knowledge of her brother's offence and dangerous position, has been apparently quite restored to reason and to health by the receipt of the news of his pardon and of his probable early return home. I have heard that in the announcement of the pardon a reference was made to the part I have taken in the matter; if that is so I should like to have a copy of the document if one can easily be obtained. I have looked thro' the *Tribune*, but have not found it. May I ask you to convey to the President my warmest thanks for the leniency he has shown to Rubery, and for the consideration he has shown for my representations on his behalf? I have not heard the subject spoken of in any society in England where it has not produced a kindly feeling towards the President and towards the Government of the United States.

There is little excitement here now on your affairs. For the moment men's eyes are turned to Denmark and Germany, and there is peril of war. Fortunately the Governments of Europe know not where war may leave them, and they seem more anxious for peace than in former times.

On your great question opinion seems to settle in or towards the belief that you can and will restore the Union; but great difficulties

are anticipated, and some are still unconvinced. For myself I think I see a gradual weakening of the rebellion, and that the outside States of Secessiondom adhere less closely to the conspiracy than heretofore. This winter will surely decide the question. Each side will do its utmost to restore and encrease its forces, and the spring or summer will see movements of great consequence. Much will depend on Grant and the army under his command, for I doubt the wisdom or the possibility of striking a fatal blow in Virginia, owing to the advantages which the formation of the country affords to the defending force. I am amazed at the conduct of the governor of New York State;¹ anything more foolish or more base has never been exhibited by a man holding a high position in face of the perils which beset his country. I suppose his policy is a measure of the corruption which slavery has bred in the great commercial city of New York, and when you have restored the South to freedom, you will not less have delivered the metropolis of your country.

I expect to speak in Birmingham on Tuesday next — not on America; but I may say something on your "Homestead Act" in connexion with the "land question" in England.

My colleague Mr. [William] Scholefield is for the South, unhappily. Why, I cannot make out, but his course is not approved by the constituency as far as I can judge. . . .

JOHN BRIGHT.

LONDON, February 18, 1864.

DEAR MR. SUMNER, — I thank you for your good offices in the case of the boy Richardson, and I beg you will tell Mr. Stanton how much I appreciate his most friendly act. The father of the boy wrote me a letter full of gratitude for the discharge of his son.

You think if more vigor had been shewn in some quarters the war might have been over by this time. Possibly, but I am not sure your great enemy slavery would have been so nearly destroyed. I had a call a few days ago from a Southern gentleman who has been in Bragg's army. His name is Yeatman, his wife is a Northerner, and has recently been on a visit with Mrs. Lincoln. He told me that in the South the evil and delusion of slavery were being found out, and many were now ready to admit that their old opinions upon that subject were entirely wrong. I suspect this would not have happened if the war had ended before this.

There seems some activity among the rebel troops, but I hope with no important result adverse to your cause. Still there may be

¹ Horatio Seymour. See Rhodes, *History*, iv. 325; Morley, *Life of Richard Cobden*, 606.

yet a desperate struggle for the coming season; but if you advance as much in 1864 as you did in 1863, the end must be near before this year is out.

I do not know that our Government could now deny the belligerent rights of the rebels, after having once conceded them. I suspect there is no precedent for such a course. If you should get possession of Mobile, and Wilmington, and Charleston, then they would have no pretence for belligerent rights at sea, and I think our Government might be urged to refuse any shelter in our ports for the rebel pirate ships.

You will have noticed the tone taken by our Attorney General and Lord Palmerston a few days ago in speaking of your prize courts and your dealing with international law. Nothing could be more friendly; it was all I could wish for.

But what a miserable thing to see our friendliness and our justice depending on your strength! When you seemed weak and staggering under the weight of the insurrection, Prime Minister and his law officer combined to insult you. When you are strong and the revolt is staggering under your blows, they speak gently and pay you compliments. This statesmanship is a very low morality, and I despise it from my heart.

Mr. Cobden's conflict with the *Times* has given great pleasure. The ruffians who write it will be a little more careful for a time.¹

We do not expect war on the Denmark question. France stands aloof and England cannot make war alone on the continent of Europe; she has no men for a land force to cope with any one of the great Powers. I hope she may never have an ally in Europe to tempt her into war.

Our session is as quiet as yours, and we expect nothing till the general election next year, unless our octogenarian Minister gives up before then. He is gouty and not quite well now, and the cold weather keeps him at home for a day or two.

Will your war end this year in its great features? Can anybody tell when it will end? . . .

JOHN BRIGHT.

ROCHDALE, September 2, 1864.

DEAR MR. SUMNER, — It is long since I have heard from you and I am hungry for some more definite information than I can get from the newspapers. They give us full details of the strife and the carnage in the field, but do not tell us what to *expect* from the contest for the Presidential election. I suppose you do not associate yourself with

¹ Issued as a pamphlet, *Mr. Cobden and The "Times,"* Manchester, 1864.

any party opposed to Mr. Lincoln, and yet that you wish he was a little more firm and clear in some things. With us, I think nearly all the friends of the North are most anxious that Mr. Lincoln should be elected again; they think any change must be for the worse, and that it would infuse new faith into the minds of the Secessionists both North and South. I am strongly of this opinion. It seems to me that the Proclamation of freedom, and the recent announcement "to all whom it may concern" in reply to the absurd propositions from certain rebels at the Falls, ought to content all anti-Slavery men, and should make it impossible for them to incur the risk of electing a nominee of the Chicago convention.¹ To elect Mr. Lincoln will be to tell Europe that the country is to be restored and slavery is to be destroyed, and it will say the same thing to the Southern people.

The rebel cause seems now to be seated on two points as it were — Atlanta and Richmond; but if only Atlanta should fall, and if Mobile should be taken, I think the peace and slavery party in the North would be demolished, and the success of Mr. Lincoln and of the Union party would be secured. Here, there is always great interest in your contest. The newspapers are less violent in their opposition to you, always excepting the avowed partisans of the Slave cause, and men speak with less confidence in favor of the South.

At the same time there is great uncertainty of opinion. It fluctuates with the varying news from week to week, and men become puzzled with the long continued strife. For myself I am rendered unhappy very often by your disasters, and all my efforts to harden myself against the anxiety which oppresses me are unsuccessful.

Professor Goldwin Smith of Oxford is now about landing in your country; he sailed a fortnight ago in the *Europa*. He is a great friend of the North and of freedom, and is a man you will delight to meet and to know if you are not already acquainted with him.²

I have been reading Horace Greeley's *History of the Conflict*. I think his narrative of the Slavery conflict before the war is admirable, and as I have read it, I have seen more and more clearly how inevitable was the final struggle.

Forgive my troubling you, but I want to hear what is coming, or what you think is coming. You may not be able to *lift* the veil, but possibly you may think you see something of what is covered by it. Therefore write to me in some leisure half hour, if you have such leisure. . . .

JOHN BRIGHT.

¹ Rhodes, iv. 513.

² See *Proceedings*, XLIV. 3.

ROCHDALE, September 3, 1864.

DEAR MR. SUMNER, — There is a desire here among the friends of the Freedmen to send a ship-load of goods for their benefit. The Committee managing the affair is in Birmingham, and are among my Constituents. They have written to ask me to write to the United States to ascertain if your Government will remit the import duties on the articles they are about to send. I have undertaken to write to you, in the hope that you will make the needful application to the Department, and help them to obtain this aid to their benevolent efforts.

I think it likely the Committee will apply to Mr. Fessenden on the same subject. If you can forward their views I am sure you will have pleasure in doing so.

I cannot yet give the name of the ship — it is possible our Government may furnish a ship for the voyage; but this is not certain.

We have all the rumours of peace negotiations, and of armistice. Surely there can never be any admission of the *right* of secession, or any undertaking of the Southern debt, or any restoration of Slavery?

I read your military news by the *Persia* this morning as favorable, and hope it may turn out to be so.

I wrote to you yesterday by the same mail as this letter will go by. I shall be glad to hear from you. . . .

JOHN BRIGHT.

ROCHDALE, January 26, 1865.

DEAR MR. SUMNER, — I am glad to see your handwriting again and I thank you for your good wishes and for the expression of your sympathy.

Our dear boy died in the house in which you saw us at Llandudno, and after only three days of illness. The trial has been and is heavy upon us.

The Wilmington business has a strange look of childishness and absurdity — after more than three years of war, one would have thought such a blunder impossible. I am sorry for Butler. He came out at the first from his party, and he has been so much hated by all your enemies that I have always rather liked him. I can give no opinion on the Louisiana question, but console myself in the belief that what is best, or what is possible will be done. I think you need not trouble yourself about England. At this moment opinion seems to have undergone a complete change, and our people and indeed our Government is more moderately disposed than I have ever

before known it to be. I hear from a member of the Government that it is believed that the feeling between our Cabinet and the Washington Government has been steadily improving.

Lord Russell is capricious in his thoughts and sayings and writings and actions, and hence you have expressions which are not intended to do mischief, but which really do mischief. I sometimes suspect he says things he would rather not say that he may not *appear* to take sides with the North. The *Star* assumes that *culpable* negligence against our Government cannot be proved, and that therefore your claims cannot be supported — for it would be absurd to suppose that, after our laws had been *evaded* in spite of *proper efforts* to prevent it, we should be called upon to compensate you for the damage done by a ship which had sailed from an English port. The whole matter depends on the intention, or rather on the “culpable” negligence shewn by our Government.

I have seen Goldwin Smith since his return, and I have read your article. It is clear to me that he has not quite fairly interpreted your meaning. I hope you will find a suitable successor to Mr. Dayton; there was a quiet good sense and dignity in his manner that pleased me very much. Mr. Adams has done well here — everybody here says so, and I think his return home, which I hear is soon intended, will be generally regretted. He is calm and thoughtful, never in a passion and never in a panic, and he has seen much here to have excited a man of a less governed temper. You ask do we mean war? We seem never to have been so far from it, or from wishing it — all men are against anything that may create difficulty with you. I mean all but the *avowed* and *virulent* Secesh party which does not include many Englishmen here.

Opinion now is becoming unanimous that the South cannot win, and by and by all will wish the rebels would at once submit, for the difficulty of business is fearful so long as your war lasts, and losses in many branches of trade have been and are great.

I enclose a letter which may be worth your reading. The writer of it need not be publicly named. I can give no opinion on the point on which he writes.

If you *can tell me anything of the chances of peace* or of the future, let me hear from you. Mr. Cobden has been ill but is better, but will not be at the opening of Parliament. . . .

JOHN BRIGHT.

Confidential.

14 HANOVER ST., LONDON, February 17, 1865.

DEAR MR. SUMNER, — I am disposed to write to you on two points. There seems still to be an idea in America that somebody in Europe

intends to meddle in your contest. I suppose the rebels invent the story and credulous people believe it. With us such a notion is unknown. *All parties and classes* here are resolved on a strict neutrality, and I believe there is an honest intention that no *further* cause of irritation or quarrel shall come from this side. The French Emperor says nothing about you in his speech — absolutely nothing; and I believe he intends to do nothing. In fact any other course would be akin to madness, and certainly this Government will give no countenance to anything which may provoke war between you and any state in Europe. So far on this point. I may say further that when a very obtuse man, Sir Jno. Walsh, spoke to the House of Commons last Friday night, about your notices to put an end to treaties, his words fell on the ears of an unsympathizing audience.¹ The tone of Parliament is wholly changed, and men begin to be ashamed of what has been said and done during the last four years. For my part I think you are quite *right* about having more force on the Lakes, and *wrong* about the reciprocity Treaty; but this last you will find out in time.²

The other point is as to peace. I cannot see the wisdom of these pretended negotiations with the Richmond conspirators; they can, I think, lead to nothing good. The time is not yet come, and when it is come "negotiations" will be needless.

There seems almost nothing to discuss except the personal fate or safety of the leaders in the great crime. The question of *Union* cannot be discussed — Mr. Lincoln can offer no terms on that, but those he has from the first offered. The question of *Slavery* is equally closed, for the amendment of your Constitution effectually disposes of it, and all States in or hereafter to be in the Union must obey this new clause. There remain the questions of *confiscation* of property, and the fate of the guilty leaders of the rebellion, and *here* the sympathizers with rebeldom say there is another question — the arrangement about the rebel debts.

With regard to *confiscation* of property not already seized and sold, you can be generous as you like, and in all things you will be far more generous than any other Country or Government would be in like circumstances. As to the leaders, the true interests of the whole Union would be best consulted by their exile, for I cannot think it would be wise to have them again in your Congress after the calamities they have caused, and the crimes they have committed. Per-

¹ He represented Radnor County, Wales.

² The treaty with Great Britain, extending the right of fishing and regulating commerce and navigation between the United States and the British possessions in North America, proclaimed September 11, 1854, was terminated by notice on the part of the United States, March 17, 1866.

haps they would sink into privacy and obscurity if left in their own land, but this is not sure, and I am certain that common justice demands that their heavy guilt should not be passed over. As to the rebel debt it is scarcely conceivable that the North would take upon itself the main portion of a debt contracted to cause its own destruction. As well ask a man who is well nigh ruined from a burglary committed upon his house, to defray the travelling expenses and the cost of crowbars of the gang who have attacked him.

When the South is willing to negotiate, it is because the war is no longer possible to its leaders; when war is no longer possible, then such negotiations are needless. There is a great danger by these meetings with "Commissioners" who have really no commission, that you will paralyze your military operations, and slacken all your efforts to fill up your ranks, and you may possibly revive that great compromise party which voted for McClellan at the late election.

It is probably presumptuous in me thus to remark on what is passing amongst you, but my anxiety must be my excuse. To me, looking from this distance I should say that after so great sacrifices, it would be weakness now and *evil for the future*, not to make your conquest over the spirit of secession and slavery complete. If I were to write down a plan of what should be done, I should put it somewhat in this form.

1. *Slavery* extirpated wholly and at once throughout the Union and without compensation in any shape.

2. *Amnesty to all* except a dozen or a score of those who most promoted and have guided the course of the rebellion.

3. *Lands* already seized and sold to remain with their present possessors. In other cases a *large generosity and mercy* will be most wise.

4. *The Leaders* if they remain in the country to be shut out from all offices in the Union or in any State, or to spend their lives in foreign lands.

5. *All debts* contracted by the Conspiracy to be utterly void, whether contracted in the Southern States or in any foreign country.

The "Secesh" people here say that in any settlement, the Southern debts will be undertaken by the U. S. Government, and on this impossible idea when the news of Mr. Seward having gone to meet Stephens was received here the Cotton Loan actually rose 4 or 5 per cent!

My opinion is that it is the duty of your Government and the interest of all your people, that nothing should be done or conceded that lessens the idea of the *CRIME* which the slaveholders have committed. You may have plots and conspiracies hereafter, and possible

attempts at Secession or War, and surely, if the leaders of this rebellion are received into the bosom of the State, and if the sums they have expended in the effort to destroy the Government and the Country are repaid to them by that Government and that Country, there will be held out to future aspirants for "independence" no small encouragement and support. The more complete your conquest of the slaveholding oligarchy and its leaders at Richmond — the better for the future of the whole country and the less you concede to them on all points but those of life and property, the less will you be likely hereafter to be troubled with a repetition of their crime. If the Richmond leaders have any offers to make, I would hear them, but I would not exhibit myself as wishful to make them offers which are not wise under the circumstances of the case, and which they are probably not yet sufficiently humbled to be ready to accept.

Josephus says of the chiefs who defended Jerusalem against Titus that they were "incapable of repentance." I suspect this is true of Davis and the worst of his following, and it is to this perhaps that the world will owe the destruction of Slavery on your Continent. Your Government and people have been firm in the conduct of the war; the world is astonished at your firmness, and hereafter it will admire and praise; I only hope it may not have to regret that any weakness was shewn in the winding up of the great drama. I am for mercy and for generosity to the Southern people, but it is not merciful to them or to the Northern people that the character and the results of the crime of the Southern leaders should be forgotten.

Spare me half an hour or less, and tell me what is doing or *is likely to be done*. I am very anxious as you may suppose, and I want some one to lift the veil of the future even tho' it be but a little.

Mr. Cobden is better in health, but our weather is too severe for him to come up to Parliament at present.

I am afraid I have written too much. . . .

JOHN BRIGHT.

Forgive me if I have said too much, or spoken unadvisedly and presumptuously. I feel I cannot see all the difficulties of the situation, and perhaps should be silent.¹

ROCHDALE, April 14, 1865.

DEAR MR. SUMNER, — I ought to have written to you ten days ago — but I have been so much disturbed by the sad loss I have sustained, that I have felt unable to write. You will learn probably to-day that our friend Mr. Cobden is taken from us, and you will

¹ Pierce, iv. 229.

know something of the loss which every good cause has suffered from his death. To-morrow it will be five weeks since I paid him a visit at Midhurst, to spend Sunday with him. We had a most pleasant day, and took a stroll on his land in the middle of the day. He was pretty well, tho' looking rather thin and older than when I saw him last.

Our conversation was much on America, and on the Canadian defenses question, and he was never more cheerful and intelligent and pleasant than on this occasion. I did not expect he would attempt to come up to Parliament before Easter, and was greatly surprised to receive a note from him on the 21st March saying that he would be in London on the evening of that day, and asking me to call upon him. Sunday, Monday, and Tuesday, the 19th, 20th and 21st were days of unusual cold and the east wind swept with bitter severity over London. I called upon him on Wednesday the 22d at noon, and found him in bed. He was taken ill immediately on reaching his lodgings the previous evening, and had passed a disturbed night; but when I saw him he was better, and quite cheerful conversing with his usual freedom, and intending to be up during the afternoon. He did get up and dined with his wife and daughter at five o'clock, but immediately after dinner he was again ill from another attack of asthma, and more seriously than before. He had medical aid and continued ill from day to day. I called on Saturday, but did not see him. He was ordered to be kept very quiet and not to talk. I left town till the Thursday following, hearing from his daughter once in the interval. I was very anxious and on my return went at once to see him. The account was more favorable, but I did not believe it. Nobody seemed to believe in his danger but myself. On Saturday evening I was at his house but did not see him. I was there again at midnight, and at eight in the morning, when he was quite unconscious, as he continued to the end — he died at fifteen minutes after eleven o'clock on Sunday morning the 2d of this month.

This has been a sad shock to me; the sorrow excited over all the country is something extraordinary and unequalled. All men now acknowledge his public services and his personal virtues, and he is placed in the highest rank among the honorable names of the departed. He came up to town during that severe weather for the express purpose of taking part in the debate on the "Canada defenses" question, and it is greatly to be deplored that his views were not stated in Parliament. The funeral was a memorable time. You will see in the newspapers more than I can write; for myself it seemed as if half my life were buried with him in that grave. How many who

have watched your great conflict with intense interest have not been permitted to see its close!¹

I cannot write as I could wish. I am unnerved by this sad event, and I write as if I were years older during the past fortnight.

We are anxiously looking for further news from you. The crisis has come — or may indeed be past. Everything in business here seems at a stand till something decisive and final is heard from New York. In your last letter you said you would write next to Mr. Cobden. How dark the future is to us!

If you can tell me anything don't fail to write to me. Is it possible to do anything in the matter on which Mr. Goldwin Smith has written the enclosed letter? . . .

JOHN BRIGHT.

LONDON, March 18, 1865.

DEAR MR. SUMNER, — Mr. Chas. Cheetham, a friend and neighbor of mine, and the Rev. Marmaduke Miller of Darlington are about to visit the States. They have been active friends of the North during your recent troubles and Mr. Miller has lectured effectively in your cause. Their visit is one partly for health and partly for observation. They will probably wish to see the Hospitals, and the establishments for the Freedmen.

If you can forward their object in obtaining permission to see what it may be useful for them to see, I shall feel obliged to you. . . .

JOHN BRIGHT.²

Private.

ROCHDALE, May 16, 1865.

DEAR MR. SUMNER, — I thank you for your interesting letters of April 18th and 24th, and I hasten to write to you upon one passage in that of the 24th, in which you say "Public opinion insists upon executions," and that at least one of your leading statesmen thinks "there must be three or four in each State." I can hardly tell you the anxiety this announcement has given me. If you had lost a great battle I could hardly have felt more pain. I am against capital punishments, and believe them to be barbarous and needless; but I will not argue the question on this ground.

In considering the case of the leading Rebels, as respects the punishment to be inflicted on them, the question of slavery must be omitted from it. That the war was made in support of that chief of all iniquities does not affect their position in the eye of the law.

¹ Pierce, iv. 239, 241.

² A letter, dated April 29, 1865, on the assassination of the President, is in Pierce, iv. 240. It was answered by Sumner, May 16. *Ib.* 243.

It adds to their moral guilt, but not to their legal offense. Slavery was a legal institution in your country, established in certain States, and permitted by your Constitution, and therefore an attachment to it cannot by your law be reckoned a crime. We must consider the case of the rebel leaders entirely apart from our hatred of the cause for which they have made war.

The insurrection has been of great magnitude and has become a first-class war. It has been regarded as a war by your Government and people, and by all foreign nations. During its continuance, you have treated with the generals and with the *agents* of the Richmond Government, tho' you may say you have never directly treated with that Government itself.

Mr. Lincoln and Mr. Seward met eminent members or agents of that Government at Fortress Monroe with a view to arrange a peace, and your generals have accepted the surrender of armies and their commanders on terms, not applicable to the case of traitors and rebels, so much as to that of enemies in what is termed legal and honorable war. You have conquered, and the opponents of your Government are at your feet, and the question arises, what shall you do with them?

I admit that the traitors merit any punishment which it can be shewn to be to the *advantage* and *honor* of the country to inflict.

You cannot punish the whole Southern people, and a selection must be made. You will choose the most eminent among them, who have been their leaders, and the most guilty. Members of the Richmond Government and commanders of armies are obviously the most eminent, and having most influence, have been most guilty. They number, probably, a score of men, perhaps double that number, perhaps fifty in all. From these how can you make a selection? and can you hang them all? Can you hold a "bloody assize" in every Southern State and put to death the leading men in each State? I think not. The whole proceeding would shock your own country and would astonish and disgust the world. It is bad enough for Austria or Russia to hang or shoot those who rebel, but it would be intolerable under your institutions, — intolerable because clearly unnecessary.

Take Davis and Lee for special examples. It would be impossible to exempt them and to punish any below them in rank and guilt. I hold Lee to be of the very worst of the guilty, altho' I see with you, as in this country, men speak of him as an honorable man and rather applaud than condemn him. If any man is visited with heavy punishment, surely Lee cannot escape. He has been the prime agent of Davis, and for the last two years, he has been the soul of the whole

rebel military action, and he has permitted the atrocities committed by commanders under him, and inflicted on your northern prisoners.

But Davis and Lee and the rest of them have families and friends and partisans, and they have been the representatives of thousands, if not indeed of millions of their mistaken and angry countrymen, all of whom you can neither hang nor banish, and who will feel a strong sympathy in their fate.

One of the great objects of your Government now should be to change the character of the South, to root out the brutality and cruelty which have sprung from slavery, to create a reverence for human life, and to prove the mercy no less than the justice of your Federal Government. To hang any of these men will exasperate multitudes. You must remember that in the rebellion, millions have been involved, and have regarded their leaders with confidence and often with admiration, and everyone of these millions will feel himself almost equally guilty with the victims you may select. They will therefore look upon their execution, not so much as a just and necessary punishment, as an act of vengeance, savage, needless and unjustifiable.

Capital punishment is being gradually banished from the world; fifty years hence it may be unknown among Christian nations. In the last insurrections in this country it was not inflicted. The insurgents in South Wales some years ago, and in Ireland more recently, were tried, found guilty, and sentenced to death; but they were not hanged. They were banished, and after some years they were permitted to return to their native country. During your war and rebellion, no man has been put to death for any act of treason by any civil court, and now, in your hour of triumph, you need not have recourse to what has hitherto been unnecessary. Let it be said hereafter that your blood-shedding was only in self-defence, and that, when your safety was secured, no man's life was taken under the pretext of justice or revenge. I have no sympathy with those who say the leaders of the rebellion are not great criminals and do not deserve heavy punishment. On the contrary, I agree with your President that treason is a crime, and should be punished as a crime, and that it is only just to your people and to posterity that it should receive whatever penalty it may be good for the country to inflict; but one punishment may have only good in it, and another may have as much of evil as of good. All your friends in England, I mean your thoughtful earnest friends, are relying on your magnanimous character, and they point to your wise and generous policy as a proof at once of the excellence of your institutions and the civilization of your people.

I have read the speeches of Mr. Beecher and Mr. Wendell Phillips; that of the latter at the Tremont Temple seems to me great as an effort of oratory and as an expression of statesmanship at this critical time.¹ I agree mainly with Mr. Phillips on the question of the punishment of the rebel leaders, and if I could speak to your Government and people, I should implore them to exclude the gallows from their view, and to be content with the banishment of the men who have brought so great evil upon your Country.

If it be thought necessary to bring the leaders to trial, and to convict them, be it so; but this will involve much time and *great excitement and passion*, and will do much to prevent the pacification of the rebel states, and the restoration of that temper without which the real reconstruction of the Union will be impossible. And, since the murder of the President, it may be that the spirit of revenge may so take possession of a portion of your people that you may find it difficult to omit the extreme punishment when the rebel chiefs are in your hands, and when a conviction has been obtained. I think another course is preferable if it is possible. I would select the most guilty men, and those who, if left in the country, would be most likely to be mischievous hereafter, and I would banish them from their native land forever. I would select a certain number, members of the rebel Government, generals of the rebel armies, and men whose acts have been marked by special hostility and CRUELTY, and I would banish them from the country by some form of decree or proclamation which should describe their crime. I would claim credit for abstaining from taking the lives which are forfeited by law, and I would declare them forever expelled from the country they have sought to ruin, and banished with the *infamy* they have merited.

To me this appears the wise course, and the great course. It is not a dynasty, cruel from selfishness and terror, which is about to act, but a great nation, leader and teacher of all other nations, and a nation which has shewn a solidity of power far excelling that of any dynasty in the world, and which can afford the highest exhibition of clemency and moderation.

Every man who hopes for liberty in Europe breathes more freely now, when your success is secured. It will add incalculably to the force of your example, if now in the hour of your triumph you can shew the same moral grandeur that you have displayed during your mortal conflict.

Banish the most guilty if you will, break up your pestilent plan-

¹ The address was delivered April 19, 1865, and was printed as a pamphlet at the office of the Worcester *Palladium*.

tation oligarchy, make a signal example of the class which has conspired and made war upon your Government and country, but do not grant one victim to the gallows on the ground of treason and rebellion. Twenty years hence, if you thus act, it will be one more glorious thing to say of your Government, that since the foundation of your State, it has not been necessary to take a human life under the action of your civil code and courts, in defence of your institutions and your laws.

I have written you a long letter, but it does not say all I feel, and it does not say it well. I write rather in haste that I may catch tomorrow's boat; but I write what presses upon me very much, and what occurs to me to say as a distant spectator of the great events passing among you. What I have said, you will understand as referring only to those who have been in the rebellion, and not to the conspirators against the life of your President and your Ministers. I speak only of those concerned in the great political crime of the last four years. To them the suffering and the remorse which will track their lives must be worse to bear than death itself.¹

I write you a note by this mail on general subjects. I hope what has lately passed among us will be satisfactory to your people. . . .

JOHN BRIGHT.

Private.

ROCHDALE, May 16, 1865.

¹ DEAR MR. SUMNER, — You will see that a question about recalling "Belligerent rights" was asked last night in Parliament. The answer seems to me confused, and is made to turn on the continuance of your Blockade. If your ports are *blockaded* then there is war; if war, then there are belligerents; if belligerents, then we cannot change our position. I thought your blockade was at an end, and that your ports, Galveston perhaps excepted, were closed by an internal regulation.

I think the proper question to have been asked is this, whether Confederate corsairs or privateers, or ships of war are still to be admitted to British ports or to our ports in any part of the world? This might be determined without reference to your blockade. In a recent letter you refer to the "*Alabama* case," and you say "get the *Alabama* case out of the way." I do not quite understand you. Do you mean get our Government to consent to pay the claims on account of the *Alabama*, or merely do you mean that we shut out *Alabamas* and *Shenandoahs* from our ports?

The *Alabama* claims will not be paid merely because they are demanded. You have claims against us, and we have claims against

¹ Pierce, iv. 253.

you. The most that can be expected is that all claims shall be fairly considered and discussed, and if need be referred to some competent and impartial tribunal — some fair referee.

I do not think it possible that any decision can be come to; certainly none favorable to your view, before the meeting of Congress; but negotiation may be going on, and the tone of our Government may be ascertained. If you see any distinct way in which I can help the question towards a fair hearing, I shall be glad to know it. It is one which will need delicate handling on both sides.

I have made extracts from your last letters, and have sent them to Mrs. Cobden with your message to her and her family.

We have had a month of sore trial in the loss of Mr. Cobden, and of my brother-in-law Mr. Lucas¹ of the *Star*, and of your good President. In this country the feeling excited by the murder of the President has been extraordinary. He had laid hold of men's hearts by the simplicity, and honesty, and kindness of his nature, and the universal sympathy excited, has done much to change and improve the public feeling on all questions of policy affecting America.

I have been away from Parliament for three weeks past. The sad events of April had disturbed me much, and I went down to Scotland for fresh air and scenes. I expect to be in London again during this week. I have suggested to Mrs. Cobden that she may send me the letter you mentioned, and I may have it in a day or two.

I thank you for your attention to the case of the Englishman, and wish to thank the President for his friendly expressions with regard to me.

I shall look for your letters as you have time and disposition to write to me. . . .

JOHN BRIGHT.

ROCHDALE, July 24, 1865.

DEAR MR. SUMNER, — This is a postscript to my letter of Saturday last.

I mentioned the case of certain blockade runners and great friends of the rebel cause who are said to have obtained their cotton and to have succeeded better than some of their neighbors.

I know nothing of the matter positively, and only said what rumour says on the subject. Perhaps I ought not to have referred to it at all, as I do not wish to be, or to seem to be, vindictive towards those who have behaved so ill during your great struggle.

I do not wish to drag the people into any difficulty, or to accuse

¹ Samuel Lucas (1811-1865). *Dict. of National Biography*, xxxiv. 241. He had married Margaret Bright in 1839.

them, or any one in any department of your Government. I narrate to you what is said here, in the way of epistolary gossip.

Our Elections are over, and the Tory party is well beaten. With a system of representation so bad, it is wonderful that a Parliament can be returned that in any degree represents liberal opinions. The House is not expected to meet before February next.

I can make out little from your papers what is doing in the South; but I fear things are not going quite as you wish. It is a heavy and complicated work which is upon you.

The delay in proceeding with Jeff. Davis creates enquiry here; the general feeling is that it is in his favor; but the sudden execution of the conspirators has again excited the fears of his friends.¹ I should like him to come to England to see how the English "Secesh" would receive him.

We have a hot summer, such as we have scarcely had since 1826.

Happily we have no exciting news, and our papers are dull. . . .

JOHN BRIGHT.

It is telegraphed here that one of your Ministers has made a strong speech against France, in connection with the Mexican business.² I read the long letter you sent me on the same subject in one of your newspapers.

ROCHDALE, August 16, 1865.

DEAR MR. SUMNER, — This note will introduce to you my friend Mr. Edward Watkin, M.P., for the borough of Stockport.

Mr. Watkin is greatly interested in Canadian affairs and doubtless in the discussions on the Reciprocity Treaty, and he wishes to see you and some others whose opinions and action may influence the settlement of that question.

I am afraid Mr. Watkin has not altogether taken such a view of recent events in America as you and I have done, but he can rejoice with us in the restoration of peace and the abolition of slavery. . . .

JOHN BRIGHT.

ROCHDALE, September 22, 1865.

DEAR MR. SUMNER, — This note will be presented to you by my nephew Mr. Frank J. Bright, who is about to visit the States, on a tour of amusement and instruction.

¹ Pierce, iv. 255.

² This probably refers to Montgomery Blair's speech at Hagerstown, Maryland, July 11. He had ceased to be a member of the President's Cabinet in September, 1864.

If you can give him access to anything he may wish to see, I shall feel indebted to you. I do not wish him to feel an entire stranger if he should visit your city.

There has been much talk of my paying you a visit, but I seem as if I could not leave home. When the age of fifty years is passed, there is less disposition to travel and more to rest; so I find it, and I feel too idle to undertake the labor of a voyage to and journey in the United States.

The President's policy of unlimited confidence in the South may be wise as far as the white people are concerned, but I doubt it much in reference to the interests of the negro. Your proposition for delay seems very wise.

I shall be anxious to see the tone of Congress, and hope the President will not put himself in opposition to it. But I abstain from saying anything, and indeed from forming positive conclusions on a subject of so much difficulty as the great problem now presented to your statesmen.

If I were with you, I should take the generous and liberal view in my treatment of the negro, and I hope your people and Government may have the courage to take it. . . .

JOHN BRIGHT.

Private.

ROCHDALE, October 20, 1865.

DEAR MR. SUMNER, — The tone of your last letter, September 26, does not much surprise me, for I have felt in a less degree something of what you have felt and said. The President seems strangely changed in his mode of talking of and dealing with the active men of the rebellion. At first he was all severity; treason was the greatest crime of all crimes, and must be punished as such. Now nobody is punished. Lee is allowed to become Principal of a College to teach loyalty to your young men, and I suppose bye and bye Davis will be free, and may again make his appearance in the Senate at Washington. Who knows that Lee may not contest with Grant the succession to the Presidential chair?

But something may be said for this mercy. It will outwardly restore the Union sooner, and it may possibly be wise, but I fear it is accompanied with rather less regard for the interests of the negro, and the fundamental principles of your Constitution. I can see some difficulty in the way of the President if he attempts to give the suffrage to the negro. He may join Congress in shutting the South out from Congress unless the law in every point is the same for white and black, but most unfortunately for this course, even in a majority of the free States, the suffrage law does not appear to be the same

for the two races. How then could he insist on doing that in the South which he cannot enforce in the North? Can this be done except by another amendment of the Constitution? and if not, could such an amendment be carried? I think not. But something may still be done perhaps. When our slaves were made free, Parliament passed a law to enable the Government at home to appoint stipendiary magistrates in the West India Colonies for the express purpose of administering the law, and of protecting the freedmen. This law, I believe, was very necessary, and it has worked well.

Our slaves were made free by a law passed regularly thro' Parliament, and after compensation was paid to the planters; yours by an act of the "war-power" without compensation, and after or during a desperate struggle. In your case, therefore, there will be the more need of some special protection for the negro; but how it is to be given him if all the rights and powers of the States are to be restored, I do not see. The recent election in Connecticut is not a good sign, and I am not sure, now the war is over, and the national peril past, that the North is anxious to do full justice to the men their arms have made free.¹

I had a long talk last Sunday with the people at your Legation in London, and on this topic. I suggested that the President was deserting those who made him what he is by making him Vice-President, and that he was rebuilding the Democratic party. This was not assented to. It was urged that the views of the Radicals — your views I suppose — were too far in advance for the country and that, if persisted in, they would lead to a complete reunion of the South and the Northern democrats, and would destroy the republican party; whereas the course of the President would effectually undermine the democratic organization, and make the old arrangement of Northern democrat and Southern planter impossible. I confess that, to me, it seems the President is looking too much for an outward

¹ The following amendment to the State Constitution was submitted to popular ratification in Connecticut: "Every male citizen of the United States who shall have attained the age of twenty-one years, who shall have resided in this State for the term of one year next preceding, and in the town in which he may offer himself to be admitted to the privileges of an elector, at least six months next preceding the time at which he may so offer himself, and shall be able to read any article of the Constitution, or any section of the statutes of this State, and shall sustain a good moral character, shall, on taking such oath as may be prescribed by law, become an elector." The intention of the amendment was to nullify a clause in the Constitution which denied the right of suffrage to colored persons, except those who were citizens of the State at the time of the adoption of the Constitution, in 1811. The vote was 27,217 for the amendment, and 33,489 against it; majority against, 6,272.

restoration of the Union, and too little at the future position of the four millions who have been made free.¹

I abstain from writing or speaking in public on this matter, because I think as "outsiders" we are liable to mistakes, and also that interference and advice from England are not likely to be received in a very cordial spirit by a large portion of your countrymen.

When Congress meets, there will be much and hot debate on these points, and I cannot see clearly how they will be settled. It will be a matter much to be deplored if the States of the South are restored to full power, and the negro left to the tender mercies of his old masters. But I have great faith in your people, and your press, and your schools and your general freedom, and from these I hope we shall see that the negro will be shielded from serious wrong.

We have had much discussion lately on the correspondence between Mr. Adams and Lord Russell on your claims. Our Government has put itself into a position of difficulty, out of which it will be hard to extricate itself. It refuses to refer the matter to any other Government or to any commission. You will not consider our claims unless we consider yours. Our claims are not contested on the ground of principle, as yours are, and yet they must wait till some other arrangement is made about yours. In this dilemma our Government, and such of our people as have claims upon you, must suffer by the delay. I suppose Mr. Seward will not consent to Lord Russell's commission, so long as he retains his present position as to your claims. The whole question will thus remain in suspense, and our Government will not be able to proceed with claims, to many of which, I presume, there is no opposition.

What your Congress will do, I know not. There will be speeches more or less unwise, and perhaps violent and irritating, and we may see a disturbed state of feeling in both countries. If you can give me any information as to the future, I shall be very glad to have it. I shall suggest that the question of the "*Alabama* claims" be submitted to a council of eminent jurists selected, one from each of the

¹ "Then came Mr. Bright, who spent a couple of hours in talking over our internal process of reconstruction. The policy of Mr. Johnson excites much uneasiness in the extreme class in America, which reacts upon our friends here. I did what I could to reassure him. As to making negro suffrage an issue, it is simply suicide, in the state of popular feeling in America. The question is conclusively settled by the result of the question put to the people in Connecticut in the form of an amendment to the State Constitution. It is rejected by a large majority. If such a prejudice prevails in Connecticut, the state of feeling in the States to the south and west is scarcely likely to be less. So far as Mr. Johnson is concerned, I said I had yet seen no reason to doubt him. Whilst I had no acquaintance with or particular interest in him, his course thus far had won upon my confidence." Charles Francis Adams, ms. Diary.

great states of Europe. Their verdict could not be humiliating either to us or to you, and any verdict will be better than a protracted dispute.

Our old Prime Minister died two days ago. This day he would have completed his 81st year. His successor is not yet appointed, but I think Lord Russell will succeed him, with Mr. Gladstone as the leader in the Commons and perhaps Lord Clarendon as Foreign Secretary.¹

The change, whatever it be, will make no immediate change in your affairs, except that I think the friends of a pacific and reasonable policy will find themselves stronger, and I believe that at home, a more liberal tone will be observed and that the question of suffrage extension will have greatly gained. I am of opinion too that our press will be greatly better, for Palmerston was most unscrupulous in his dealing with our newspapers. He has done much to degrade and demoralize them during the last thirty years, as he has done, indeed, with regard to the sentiment of the people on every question on which he has had any special influence.

If you can tell me anything as to your relations with our Government, and as to the probabilities of what will happen when your Congress meets, I shall be glad to hear from you. I hope all your affairs may turn out more favorably than you now seem to anticipate. . . .

JOHN BRIGHT.

ROCHDALE, January 11, 1866.

DEAR MR. SUMNER, — This note will introduce to you Mr. H. Yates Thompson of Liverpool — one of our Liberal, though for the time unsuccessful candidates for South Lancashire at the recent general election.

Mr. Thompson has always been a firm friend of your great cause, and he has now a scheme on foot, by an act of pecuniary liberality on his part, which if carried into effect will do much to bring all that is good in America before the notice of the most cultivated class in this country. I am sure you will have pleasure in making Mr. Thompson's acquaintance. I hope he will not be away in case of another election, which I suspect is not far off. . . .

JOHN BRIGHT.

ROCHDALE, July 3, 1866.

MY DEAR MR. SUMNER, — Your letter of May 23d [21?] ² is very interesting, tho' its contents are not cheering. Your Cabinet *pro-*

¹ The forecast proved correct.

² Pierce, iv. 288.

claim themselves in harmony with the President. Some of them cannot be honest, unless they retain office in the hope of preventing bad from becoming worse. The "Amendment of the Constitution" seems reasonable and satisfactory, and I think I recollect something said by the President some months ago which indicated that his view was in accordance with it, but now he condemns it. I suspect he is unwilling to consent to anything which comes from Congress. I suppose he cannot prevent the "Amendment" from being adopted, if the States are willing to accept it. I hope Congress and people may stand firm, and that the President may have to yield. He will probably be obstinate till the fall elections determine the will of the nation, and then, if against him, he will give way. Your anecdote of Mr. Seward and the small Republic is something wonderful. Our dear friend Cobden had an unfavorable opinion of Mr. Seward, and I sometimes thought him unjust to him, but I now begin to think he was right.

Our people are not thinking much of America now. Our Ministerial crisis and the Franchise Bill, and the German war, fill our minds for the time. Lord Derby is making up a Cabinet, but he advances very slowly if at all, and I shall not be surprised if he should fail. The Traitors from the Whig camp will not join him, and without them he has no chance of a majority in the House of Commons, and therefore his Government cannot live long. Three days hence the result of his labors will be known, and he will be Prime Minister, or Lord Russell will come back.

There is a great feeling against him, and last night, a meeting 50,000 strong was held in Trafalgar square (Charing Cross) to protest against him, and to demand Reform.

I am much disappointed at the result of the session — but success here only comes after much effort and long agitation.

As to the war, all our people are for neutrality, and I think neither party of our rulers will venture to meddle in the strife. This shews that we have made a revolution in opinion within a few years past, and is a result of the labors of my lamented friend and myself chiefly.

We are annoyed at your still increasing tariff duties. My firm send carpets to New York, and I suppose the duties and expenses are equal now to seventy-five per cent on the cost of the goods here. Surely this is protection enough for your carpet manufacturers! But the appetite of monopoly is insatiable with you, as it once was with us.

I am not out of health, — indeed I have been very well of late, and do not now work hard. I am anxious you should run away

from work for a time, and I wish your affairs were less pressing upon you. It is curious to see the *Times* become a Presidential hack!¹ . . .

JOHN BRIGHT.

Private.

ROCHDALE, August 16, 1866.

DEAR MR. SUMNER, — The late tidings from your seat of Government seem to force me to write to you. I refer to the violent language of some of your "Radicals," when they charge upon the President the desperate intention of playing the game of a *coup d'état* during the recess. Your politicians are accustomed to language much more violent than that we indulge in, but I can hardly think eminent men would thus speak unless they had some shade of foundation for their charges or their fears.²

I see that Mr. Raymond speaks or writes in a tone which is calculated to excite distrust and that Mr. Seward is said to have uttered words of significant menace. Mr. Raymond is doing the work of the President, with some feelings of doubt, I suspect, and Mr. Seward is misreported or he speaks as I think he often does without meaning literally what he says. I am unhappy at what is passing among you. The contentions and mutual abuse of some of your leading men, the favor shewn by some of them, and by the House to the Fenians, and the contest between the President and the Congress, are matters, in your present condition, which rather alarm some of your friends on this side. I dare say we see, or hear, or read the worst of it in the New York papers, and the storm may be no storm at all. Still, I wish some of the symptoms were absent, and that reconciliation were more the order of the day.

Besides the great political interest we take in your well doing, we have also a great commercial interest, and I suspect that the threats which are uttered by the contending parties, if carried much farther, will have the effect of lessening faith in the value of your securities in England and in Europe.

You are near some elections of great importance, and I suppose it is to influence these that so much favor is shewn to the Fenians. If the elections go in favor of the Republicans, perhaps the President may become more moderate; but I think he is very obstinate, and that want of success may make him more so. I am sorry to see an

¹ Pierce, iv. 297. On August 14 the National Union Convention assembled in Philadelphia, and Raymond prepared the "address," which cost him the confidence of the Republican party. Maverick, *Henry J. Raymond*, 170.

² Sumner's views on President Johnson were given in an address at Music Hall, Boston, October 2, 1866, on "The One Man Power vs. Congress." *Works*, xi. 1.

attempt made to lessen the force of your neutrality laws. You should, as heretofore, set us an example of something better, instead of coming down to our level. You, as a nation, are so great and so secure, that you can do what is great and noble, and help the world onward, as no other nation can. Our change of Government is very unsatisfactory, but it cannot last long I think. The Tory party is so *stupid*, that its leaders cannot so conduct the Government as to content the nation. We may have a lively time in the winter, and in the session of 1867.¹

Our financial condition is not good, but I hope better days are coming. We have unfavorable harvest weather, and much rain has fallen during the last three weeks. How long will your great prosperity last? Wise men here say you cannot be far from a commercial crisis. But you disappoint the wise, and the prophetic, and I hope you may long do so.

Tell me if your health is better. I hope it is. I am idle at home and feel weary of strife in the political field. . . .

JOHN BRIGHT.

The telegraph is a greater marvel than the world seems to consider it. I rejoice greatly in its success. Cyrus Field is one of the heroes of our time.

Private.

ROCHDALE, December 14, 1866.

DEAR MR. SUMNER, — The postscript of your last letter interested me much. I had seen that you had recently lost your Mother, and now you are about to "settle in life," — not so early as many do.² But I will hope, as I believe, it will add to your happiness, without lessening your usefulness. My wife sometimes complains reasonably that my public life interferes with domestic comfort; but she is compensated to some extent by the belief that my public labors have a great purpose and are not wholly without result. I hope Mrs. Sumner may have her consolation in the same way, if she is ever disposed to complain. I wish you every happiness as you will believe.

The result of your elections gave me much pleasure. Whether the President will become more rational time only will prove. I earnestly hope he may, for his own sake, and for that of the South and of the whole country. I do not believe in violence. That would ruin him and his friends forever, and the North hereafter would shew less mercy than in their past conduct to the South. I hope there will

¹ Pierce, iv. 298.

² Mrs. Charles Pinckney Sumner (Relief Jacob) died June 15, 1866. Sumner married, October 17, Alice Mason Hooper, the widowed daughter-in-law of Samuel Hooper of Massachusetts.

be no attempt at impeachment. It should not be made and *fail*. That would break up your party and do great mischief, and to succeed would involve you again in something little short of war. I think by a quiet but resolute course you will succeed, and as the President's term runs on or out he will have less power and you may carry all you wish, without the tremendous risk which would attend any attempt to depose him or to punish him. I give this opinion with great deference; but looking on from here, it seems to me to be a sound one. I doubt if General Butler is a wise adviser on this question; he has his grievances, and may be influenced in a direction too stern by what he has suffered.

The Mexican question is near its solution. The lesson taught to the French Emperor is a severe but a salutary one. He must feel it most acutely, as do doubtless the French people. Every thing said and done against you during the war tells now to your credit.

Our "Derby Government" would gladly do something to make things smooth with you, but I do not see how they can settle the *Alabama* claims after what they did and said during the commission of the outrages on your commerce. Their party is not a reasonable party, and they can stir in this matter only with great difficulty. Ireland is giving great trouble as is usual — not in England only, but with you and in Canada. I think your Government ought to be able to curb the Fenians with a stronger hand. Perhaps they are too many, and public opinion may not allow of any severe dealing with them. If the Irish in America are now "Americans," they should submit to their new Government and adopt its policy; if they are still *Irish* and not Americans, then this Government should be at liberty to deal with them when it meets with them. Canada is innocent in the matter of Irish wrongs, and should not suffer for what is done here. If I were a Canadian I should consider if it were not better to escape these injuries by separating from England. There is a talk here that the "Head-centre" is coming to Ireland and a "rising" is expected by many people. I do not believe in it, and I am not certain the Government is not making the alarm for purposes of their own. I think the "Derby" party are capable of much that is evil, and I think no good of them after so many years' experience.

Our reform question advances, and many think we are near some considerable gain. I am not so sure of it. The ruling class here is very powerful, and it has a large hold on the middle ranks of society. It has the two Houses of Parliament, the Land, the Universities, the Church, the Army and Navy, the sympathies of rich people, and ancient custom in its favor, and it is difficult to contend against all

this. I am the mouthpiece of the real reform party, and no single man of striking power as a speaker has come out during this autumn to help me. Without me, there might have been great meetings, but the case of the unenfranchised, apparently, would not have been sustained with force and success from the platforms.

I have been "Attorney General" for the reform feeling, and especially for the working men, and the facts and arguments brought forward have been such as almost to silence a hostile and bitter press — not to put an end to their malignant abuse of me, but of their attempt to argue the question. The Cabinet are trying to cook something for the coming session, but I am not sure they can agree about anything that will look decent enough to be offered to the country. They have discussions also on the question of estimates. I believe the Army and Navy departments are asking for more money — to which Disraeli is opposed. He knows that the present waste is something fearful and he feels that a larger expenditure would be unpopular and lay him open to assaults from Gladstone and from our side of the House. If the Derby Government were composed of honorable men, it would break up before Parliament meets, and indeed it would not have been in existence at this moment. But the love of office, and of what the party can get from office, will probably drive them to many tricks and dodges before they will resign.

Lord Russell and Mr. Gladstone are not yet home from the Continent. I think they should be here, if they intend to lead the Liberal party to anything better than the past. Lord Russell is old, and I think he has not strength to control colleagues from whom he may not be able to separate himself, and Mr. Gladstone has great difficulties in trying to keep well with the "great families" who are essential to his success as a minister, and with the great popular power without which a liberal minister cannot exist at all.

We are in a transition state; but whether we shall slide gently, or stand still now, to go some day with an unpleasant and perilous speed, I cannot tell you. My speech a week ago in London has caused some criticism. I always speak what I feel and what I mean. I should fail miserably if I attempted anything but this. I shall watch the opening of Congress with deep interest, and our session may prove a very lively one. . . .

JOHN BRIGHT.

Private.

ROCHDALE, October 26, 1867.

MY DEAR MR. SUMNER, — I have often been anxious since the receipt of your last letter, for it left you with an opinion that I confess I did not think you could entertain.

I refer to your support of the course taken by Mr. Seward in the correspondence with Lord Stanley on the *Alabama* claims.

If I am correct, what Mr. Seward professes to want is this, — that *the whole course and conduct* of the English Government during your war should be brought into Court and be adjudicated on by some selected tribunal.

Not only the harm done you by the ships built here, but the injury you sustained by the mistake of our Government in believing that you could not conquer the South, is to be estimated and compensated for. If its conduct in regard to the admission of the belligerent rights of the South is to be considered and condemned and atoned for, then what will you allow for its service rendered to you in refusing the repeated applications of Louis Napoleon to take a more decided course and to acknowledge the independence of the Slaveholding State?

I have always condemned the act of our Government in regard to the question of belligerent rights. I thought it unnecessary at the time, ungracious and unfriendly, and calculated to irritate and to injure you, and I have said this in Parliament and out of it; but I have never seen any conclusive argument to show that it was a breach of international law, or a course which our Government was not entitled *legally* to take under the circumstances. It was a foolish act, an unfriendly act, at the moment an unnecessary act, and it was done at a bad time and in a bad manner, and for all this you had reason to feel irritated and aggrieved; but to me it seems a matter wholly different from the *Alabama* question, in which I fear and believe there was a distinct breach of a well-known international law, and one which is capable of proof, and where the damage inflicted can be fairly valued.

Who can estimate the harm done you by the admission of the belligerent rights of the South? What compensation can be adjudged for it, and how can it be reckoned in dollars or pounds sterling?

An opinion was held which was erroneous; upon it, an act was done which was precipitate and injurious, but which, I conceive, was within the competency of any European Government. I condemn the act as strongly as you do, but I cannot believe that any existing government in the world would consent that its conduct in such a matter should be put to reference, or that it would consent to pay money, or to make an apology for having done what it had a legal right to do.

To all Englishmen, I believe, there arises a suspicion that Mr. Seward is playing with a serious question, or that he wishes to be revenged for the part taken by our Government during the war.

There is a general approval here of Lord Stanley's course in offering a reference with regard to the ships, but I have not heard of any one person who thinks our Government can concede what Mr. Seward is understood to demand. I have said nothing of this question in public and probably shall say nothing, but I am compelled to say to you that I think you will put yourselves in the wrong before the world in refusing an agreement based upon a reference on the question as to the damages done by the ships which were fitted out in this Country. Beyond this I think our Government will not go, and in their decision I believe they will be sustained by the whole public opinion of the nation.

Leaving this troublesome question, we may agree better as to what is doing with you and with us. Your elections have not ended as I could have wished, but I hope they may leave you in power long enough to settle the great question on hand. What a measureless calamity it has been to you to have chosen a Vice-President not thoroughly at one with the northern sentiment! I believe Mr. Johnson hates New England and everything connected with it as bitterly as any Southern man in the country. His time is running out and he cannot well ruin the country within a year.

I do not believe in his employment of force against the Congress, or in the submission of Congress to him; but I can imagine the difficulties and the dangers of the coming year. Your choice of a candidate too must be made, and in this there will be no small difficulty. I seem to shrink from forming any opinion as to your future, and am driven back upon my ancient faith that somehow you will wade, or plunge, or scramble, or fight your way, thro' all the perils which are before you.

Here we are in a quiet state. The Tories disporting themselves as reformers and democrats, flattering the "working men," and trying to make capital out of their late surrender of their old principles. It is a ludicrous, but still a shameful exhibition, and I look on and wonder at it.

We are to have a short session about the Abyssinia business — another blunder of our Foreign Office, as I suspect it will turn out. The real session will not begin till February, and what will happen then is beyond my ken.

When you have half an hour of leisure, tell me what will happen with you: if the impeachment is given up; if any compromise is possible with your Copperhead President; if you can agree on a candidate for the next term; if reconstruction is possible in any way; if, having conquered in the field, you are to be conquered in Congress?

I often think of you with much anxiety and wish I could have an evening's long talk with you. But the Atlantic is between us and I fear is likely to be so. . . .

JOHN BRIGHT.

ROCHDALE, January 11, 1868.

DEAR MR. SUMNER, — I am constantly asked whether your Government will repudiate and pay the five-twenty bonds in currency.

We are holders to some extent in these bonds, and the moderate marriage portion of my daughter is in them, so I am interested in the question.

This doubt arises from the talk of some of your public men — General Butler and Mr. Stevens and others — and the doubt is not cleared up by some report from Senator Sherman, the precise meaning of which I do not understand.

I think a little more foolish talk about it may make a panic, and your bonds may be knocked over in our market, and in the present state of commercial and financial affairs in New York this might do much mischief.

May I ask you to write me a note to say what is *certain* in the matter, if what is certain can be known. If it is not *certain* the bonds will be paid in gold, on which understanding, without any contest, the money was borrowed, then the sooner I am out of them the better.

If there be *doubt* about it, I shall lose faith in them, and shall grieve over the loss of reputation which your great country will sustain.

I shall treat your reply in strict confidence.

I see some of the Democrats go for "Pendleton and repudiation;" this is consistent if not honest, and I almost hope they may hoist this on their party flag. They cannot win with it, I feel certain.

I hope to write to you soon on your last letter and on Mr. Seward's views. I am not quite sure that we are writing on the same thing.

I look to our coming session with some anxiety. I fear there is no one able to deal with the Irish question.

Forgive the trouble I give you with this. . . .

JOHN BRIGHT.

Private.

ROCHDALE, March 7, 1868.

MY DEAR MR. SUMNER, — I must just thank you for your kind attention to the case of the soldier. His father the old clergyman in

Manchester is *very* grateful to you, and he has sent me a letter from the young man expressing his gratitude towards you and me for the help we have given him.

Next, I must refer to your letter of the 4th ult. on the repudiation question, on which I grieve to think that you are only able to speak in an uncertain manner. To break faith with those who lent you money in the time of your trouble will unite all the world in condemnation of you, and will be a losing policy after all; for you must borrow in some shape to pay off those whose debt you will partly repudiate and in future nobody in Europe will trust you, and all your securities of every kind will suffer some taint.

It is melancholy to think how many acts of want of faith are committed by individuals and governments, but it is pitiful to see such acts done for no adequate result. In your case I think it could be proved that the ultimate loss in money and in character would be far greater than any gain that can possibly be made by breaking faith with the holders of your five-twenty bonds.

Now for the Claims. There was a discussion last night in our House of Commons on this old topic. I was not there, in fact, I have no wish to say anything in public upon it. All that was said seems to have been in a very fair and friendly spirit.

There seems to me to be some misapprehension on the point on which the negotiation has been suspended, and also upon what I have said upon it. If Mr. Seward proposes to arbitrate upon the *legal right* of this Government to admit the belligerent rights of the South and to ask the arbitrator to condemn the act of this Government in that matter, and to order an apology for it, or some compensation in respect of it, then I think Mr. Seward's proposition is one which no Government could for a moment listen to. I believe in the *legal right* of this Government to do what it did, tho' I wholly condemn the act itself, and I think you have great reason to complain of it as unfriendly and injurious; but I cannot admit that it is a matter fit for reference, or for compensation, however injurious you may think it has been to you.

But if Mr. Seward asks that in the discussion of the "claims" before an arbitrator, he shall be at liberty to shew that the acknowledgment of belligerent rights enabled English sailors, without the risk of being hanged as pirates, to engage in war against you under the Confederate flag, and that it is a proof of the unfriendly spirit of this Government, under which it afterwards permitted armed ships to be built and to sail from our ports, then I think the demand of Mr. Seward is not unreasonable and that it ought to be granted, and this I think is the general feeling here.

Your claim is or *was* a claim for compensation for injuries sustained by your shipping from armed vessels which sailed from English ports. If it could be shewn that our Government had *done its duty* in attempting to prevent the building and sailing of such ships then the arbitrator would award no compensation. In this case, clearly, I presume, he would not be asked to consider the "Queen's proclamation" with a view to its condemnation, or to any award of compensation in respect of it.

If the "proclamation" stood by itself, and had not been followed by the *Alabama*, you might have considered it unfriendly, but you would not have demanded or suggested an "arbitration" upon it. The *Alabama* case is the one ground on which you make a claim for compensation, and it is only in support of that claim that you have any title to bring the "recognition" question before the arbitrator. I agree with you that the "recognition" having taken place, this Government was the more bound to be careful that its own municipal law was not broken, and that the well-known requirements of international law were observed.

I would consent to have all the facts brought before the tribunal, in order that the decision on the "claims" might be complete and conclusive. Let the "proclamation" strengthen your case if it can do so, I mean the case you have against us in respect of the *Alabama* and other ships; but don't ask us to refer that which no arbitrator is competent to decide, and on which he could award no compensation to the complaining party.

From Mr. Seward's withdrawal from the negotiations, it begins to be thought here by *some* that he is not unwilling to have the question kept open, and by *others* that he has no great confidence that he could obtain a verdict in the case. I confess I am somewhat inclined to this latter opinion. I think you were grossly wronged, and that you may reasonably claim compensation; but I have never felt great confidence that you would succeed in getting it before any tribunal to which the case is likely to be referred.

After all, I learn what you doubtless know, that Mr. Seward has not wholly withdrawn from the question, altho' he professes to have given up "arbitration." *I am sorry he is not more direct and explicit.* I am sure there is a general desire here in public and with our ministers and statesmen to meet the question fairly, not from fear of war, but from a feeling that, partly from mistake and ignorance and passion, we did you wrong during your great troubles, and from a wish that our wrong-doing may, to some extent, be forgotten or atoned for.

I do not know that I can do anything in this matter, but if you

think I can, I shall be glad to say or do anything that may smooth the way to a satisfactory adjustment.

We have a new Prime Minister, as you will have seen.¹ I think he cannot last long; but to be Prime Minister is to him the "summum bonum" of his adventurous life. It is another and final proof of the decrepitude of the aristocratic and territorial class with us!

As to your progressing revolution, what shall I say? We cannot well judge here; but it is wonderful that your Government securities remain unshaken whilst your Congress and Executive are almost at open war! There does not seem to be much distrust of you tho' you menace repudiation and the dethronement of your President at the same time.

I lament Mr. Johnson's obstinacy and folly. He seems resolved to have his name in your history, placed alongside that of Mr. Buchanan, when he might have stood at least next after Washington and Lincoln!

The world will probably think he cannot have a fair trial before the Senate, but there is no other possible tribunal. How is his power to be checked or suspended during the trial, or even after it, if convicted? I suspect he will require to be *forcibly* suspended or removed, and that his obstinacy will make him resist up to the very last. I wish it had not come to this — as doubtless every thoughtful man among you wishes. I suppose the Senate will not sanction McClellan's appointment to London.² Is it a plan to get him away from the Presidential canvass — or to give him a position which may improve his candidature?

I think Mr. Adams is anxious to go home — all parties here wish him to stay. . . .

JOHN BRIGHT.

Private.

ROCHDALE, August 1, 1868.

MY DEAR MR. SUMNER, — It is long since I wrote to you, but I have not ceased to observe what is doing on your side of the water. For some weeks past I have been "horried" at the rumour that Mr. Chase was not only willing but hungry to become the Presidential candidate of the Democratic party! From your newspapers I

¹ Disraeli, who became the head of the Government in February, Lord Derby having resigned on account of his health.

² The nomination was made February 21, and on the same day the removal of Secretary Stanton from office was announced. Unfavorable action of the Senate on the nomination was early indicated, but the impeachment trial of the President monopolized attention until the end of the month. On June 8 the Senate Committee on Foreign Affairs reported adversely, and on June 12 Reverdy Johnson received his commission. See Welles, *Diary*, III. 257; *The Nation*, VI. 165.

am compelled to believe that the rumour was and is true, and I can assure you that I have heard nothing more sad for a long time. If I had been sufficiently intimate with Mr. Chase to have justified any interference on my part, I should have written to him to have warned him of the bottomless pit to which the devil of ambition was said to be leading him. I have spoken on the subject to some Americans here, and have said, if he succeeds he will be discredited, if he fails he will be ruined. He has now failed and I cannot see how he can retain any place in the confidence of the Republican party. If I were asked to join Disraeli's Cabinet, and were to accept it, where should I be in the estimation of all my friends of the Liberal party in England? Just where, I suppose, Mr. Chase is now with your Republican party. After all, what a devil is this ambition! Lord Stowell said that "it breaks the ties of blood and forgets the obligations of gratitude;" but it does much more; for it devours whatever there is that is noble in men, and it blinds them strangely even in the pursuit of its own ends.

There have been rumours too that Mr. Adams was not unwilling to throw in his lot with the same Party; but this I cannot believe, altho' I dare say his close friendship with Mr. Seward has somewhat cooled his sympathy with your friends. His judgment whilst in England has been impartial and sagacious and I should grieve if he made any false step in his public career.

I conclude that Mr. Seymour is not likely to be elected — the repudiation scheme of the party ought to be fatal to it.

I know not how the question of the "claims" is going on between Lord Stanley and Mr. Seward, but I suppose it will rest awhile and be settled in some wholesale mode of getting rid of all matters in dispute.

When you are electing your President, we shall be electing our Parliament. We shall have a great contest; from all I hear and see, I think we shall have a substantial and probably a large majority. The "church cry" is no more successful than the "no popery" cry, and the Irish church has few friends outside the old Tory party. In Ireland it is considered to be "as good as gone," and its doom is thought even by its friends to be decided. The coming Parliament will I believe confirm the decision of the one which is about to be dissolved.

I spoke at a dinner in Birmingham last week, and ventured a criticism on your system of changing all your officials on a change of party in the Government. I expressed the opinion that our system was much better, but in some other matters, as in your disposition to reduce your armaments and military expenditure, we might follow you with great advantage.

From what I hear from your side, I conclude that the South is

becoming more settled and is slowly beginning to recover from the effects of the war. We are deeply concerned in this; for our great cotton trade is terribly damaged by the fluctuations in the price of cotton, and they cannot cease so long as you can only grow two to two and one-half millions of bales in the year.

I am weary with our session of Parliament, as you doubtless are in your long labors at Washington. There is hard work in public life; but there is some compensation when we see that good principles and good measures make progress in the midst of so much weakness and so much baseness among men. We have had a very hot season, scarcely any rain for three months past. . . .

JOHN BRIGHT.

Confidential.

ROCHDALE, December 25, 1868.

MY DEAR MR. SUMNER, — A short letter which you wrote to me in August last only reached me a few days ago. It had remained at the Reform Club since I left town at the end of the session. It is strange that the London papers should care so little about the course taken by their American correspondents. I do not know that I can do anything to bring about a change.

You will have seen the result of our elections, as I have seen that of yours. To me our victory has been very costly, for it has forced me from my independent to an official position.¹ I was much opposed to accepting office, but the strain put upon me was too great and I was compelled to surrender. If you happen to see the English newspapers of Tuesday last, December 22, you will see my election speech at Birmingham, with an honest explanation of what occurred at the formation of this Government. I must do the best I can, and hope that what I have done may turn out to be the right thing.

And now about your affairs. Your election gave me great pleasure and I suspect your present President's last message must make every man in your country rejoice that his ignoble reign is nearly at an end.

Your minister here seems to have caused much disappointment with you, and he has caused me some of the same feeling. The general impression here is that he has spoken more than was necessary, and that he need not have accepted invitations to meet Laird, and Roebuck and Wharncliffe. I incline to think however that he came resolved to forget all the past, and honestly most anxious to renew or restore the old friendship. I think that he has acted injudiciously, having regard to opinion, not on this side, but on your side the Atlantic.

¹ He became President of the Board of Trade.

I dined with him at Birmingham, and have seen him since in London. I think him most wishful to restore harmony between the Governments and the nations, and I have formed a favorable opinion of him from what I have seen of him in private. I shall be very sorry if he is unable to complete the work on or for which he was sent to England.

I wish to speak to you about this attempted negotiation. I suspect neither your Minister nor ours understands what is really the position and the intention of Mr. Seward.

Lord Stanley seems to me to have yielded everything that could reasonably be asked. He consented that all the correspondence, including that touching the "belligerent rights" question, should be placed before the Commissioners; all the matters of complaint and in dispute being left with them. Mr. Seward then asked for the Commission to sit at Washington and not in London, and then all would be well. Lord Stanley agreed to this.

Since then Mr. Seward has proposed several other changes in the convention. He wishes to begin with a protocol rather than a convention, and he suggests a mode of reference in case the commissioners cannot agree which *may* exclude a "crowned head" or "head of state," and which is a mode of drawing lots or playing at what we call "toss up" for the appointment of the umpire! The impression here is that he does not want the matter settled, or that he feels his position in the Senate so feeble that he dare not bring any arrangement which is possible for him before that body with any chance of success.

So far as I understand it, what our Government wants is this — that the claims connected with the *Alabama*, involving an important principle, in which all nations are interested, should be referred, if referred at all, to the "head" of some independent state — whether a monarch or a republican head — and not to any less important umpire, in order that the decision, when given, may be accepted by the world as one given from a high source and carrying with it the greatest possible weight. If the commissioners cannot decide the question, which is likely to be the case, they wish to have the best umpire the world can give, and they think the "head of a state" with the assistance he can have, will be the best. I think if Mr. Seward is in earnest, there can be no difficulty in the matter. Suppose the commissioners do not agree as to the claims; they refer to their respective Governments. Suppose the Governments cannot agree whether Russia or Prussia or Holland or Switzerland or Portugal or Brazil shall be umpire — surely they could agree that some one of these should select an umpire to whom the matter before the commissioners should be finally referred?

If Mr. Seward can settle the matter, let it be done by some simple and clear proposition; if he cannot, if he fears the judgment of the Senate, and the popular outcry against Mr. Reverdy Johnson, then the matter had better remain open till your new President is in office. I am quite sure our Foreign Minister is willing to do anything that is reasonable, as are his colleagues; but it is a little beyond the bounds of ordinary practice, for your Secretary of State to insist on new propositions after so many concessions have been made, and after your Minister here is supposed to have been entirely satisfied. There is no disposition here on the part of the Government or the people to place difficulties in the way of a settlement; but, condemning as I do the course taken by our Government during your war, I could not advise them to stoop unworthily to procure an adjustment of the points in dispute between the two countries. I am sure our Government is willing to grant whatever any just and impartial Government would advise to be right in the case; but there is no need to submit to humiliation in the manner of doing it.

I am writing to you *confidentially*, having, as you know, no prejudice in favor of this country on the matter we are discussing. I wish the right thing to be done and in the right way, and I think it may be done, unless Mr. Seward is anxious to throw over his Minister here, and to postpone the settlement owing to difficulties which he may not have foreseen.

If you can say anything to me which may explain the cause of the present obstacles to further progress in the negociation, I shall be very glad. You may write freely to me, as I write to you. Our views are much alike and our objects are precisely the same. I have been intending to write to you for some weeks on this matter, but I seem to have neither time to write nor think for a month past. I hope you will read my speech at Birmingham on Monday last, for it gives some explanations which I like my friends to understand for my own sake. . . .

JOHN BRIGHT.

I desired my publisher to send you a copy of the two volumes of my speeches which came out in September. A second edition is just now advertised.

TAYNULT BY INVERARAY, N. B., August 10, 1871.

DEAR MR. SUMNER, — I have been ill and “on the shelf” since the beginning of last year and have written few letters, and have been compelled to shun all business.

I write this note as I wish to give it to one of my friends who is about to visit the States. Mr. Thos. A. Potter, the bearer of this,

is the son of my friend Mr. T. B. Potter, M.P. I need not tell you of his father's services here during your great conflict. I believe he spent more money, and I may almost say that he worked harder, than any other Englishman, to give sound opinions to our people on the subject of your war.

Mr. T. A. Potter visits America for the purpose of instruction. I wish every Englishman could visit you.

If you can in any way make his visit useful and pleasant, you will confer a favor on me.

I am wandering in Scotland for my health's sake. I am very much better, and hope by the end of the year to be able to return to work — tho' I feel as if my work were nearly done. . . .

JOHN BRIGHT.

QUEEN'S HOTEL, GLASGOW, September 17, 1872.

DEAR MR. SUMNER, — I have just reached this city, and find from the newspapers that you are in London. I am sorry I am not likely to be at home for nearly a month to come, or I should ask you to come down to Rochdale to stay with us as long as it might suit you to stay. I suppose you will not be returning to the States for some time — the papers say not before November. If that be so I may hope to see you, and I hope you will come on your way to Liverpool if no earlier date will be convenient for you.

I should much like a quiet evening with you, and a talk over what is doing on your side of the water. You will be glad, as I am, that the long dispute is disposed of, so far as arbitration can dispose of it.

My address for a week or ten days will, I expect, be Taynult, by Inveraray, N. B.; but a letter addressed to me at Rochdale will be immediately forwarded.

I hope you are not really out of health. You will find it a relief to be away from home at this moment if you are as weary of the turmoil of elections as I have long been. . . .

JOHN BRIGHT.

Mr. WENDELL supplies the following document from the Rindge Papers:¹

Benjamin Pollard of Boston in the County of Suffolk within His Majesty's Province of the Massachusetts Bay in New England Notary Publick upon solemn Oath declareth, That on the Twenty sixth day of Decem^r instant, at the Request, and by the direction of George Jaffrey, Jotham Odiorne, Theodore Atkinson, Andrew Wiggin, Thomas Pecker and James Jaffrey all of His Majestys

¹ *Proceedings*, XLIV. 189.

Province of New Hampshire Esq^{rs} being a Committee appointed to attend on behalf of the said last mention'd Province upon His Majestys Commissioners for settling the Boundary Lines between the two aforesaid Provinces, he serv'd His Excellency Jon^a Belcher Esq^r Governour of the aforesaid Provinces with an order of His Majesty in Councill, a true Copy whereof is hereunto annexed by delivering the same to him at the Province House in said Boston, under the Seal of His Majestys Councill Office, and leaving it with him and that he this Declarant at the same time deliver'd and left with His s^d Excellency a Paper Writing, a true Copy whereof is hereunto annexed which said Paper Writing was annexed to the aforesaid Order of His Majesty in Councill with a small piece of red Ribbon, and is entituled an Account of the Costs of the Commission under the broad Seal appointing Commissioners to settle the Boundary Lines between His Majestys Province of New Hampshire, and the Massachusetts Bay, and the Expences of the Commissioners in executing the same and, at the same time acquainted His Excellency with the Purport of the said Accounts. And this Declarant further saith that on the next day following his said Excellency sent for him to the aforesaid Province House, and this Declarant thereupon waited on His Excell^y to know His Pleasure and his said Excell^y told the Declarant That he could not find in His Majestys Order which he had left with him the day before that any notice was taken of an Account tacked to it or that any Account at all was taken Notice of in it, upon which His Excellency took out of his Desk His Majestys Order, and Account aforesaid, and with a Pair of Scissers separated the Account from the Order, saying that it was no better than forgery, and that a man in England guilty of such a thing would be tryed for Forgery, and that for his own part he would Cut of his right hand before he would be guilty of tacking any thing to the Kings order. Whereupon this Declarant told His Excellency that he tacked the Account to His Majestys Order by the direction of said Committee; but that it was not done with any design of Forgery, or to affront His Excellency but in consequence of the Paragraph in His Majestys Order, directing the Expence of the aforesaid Commission to be equally borne by the two Provinces, and that his Excellency might lay the Account before the Generall Court of the Province of the Massachusetts Bay then sitting. His Excellency then said, the Province of the Massachusetts Bay had an Account against the Province of New Hampshire, of Thirty Six hundred Pounds, and when that was added to the New Hampshire Account it would by being equally divided bring New Hampshire in Debt near Twelve hundred Pounds, so that they had better be easy, and let it alone, but if they

were determined to deliver the Account to him they ought to apply to the Gov^r in a proper manner for he would not receive it so, and thereupon thrust said Account into the Declarants hands. And this Declarant further saith that after the Account was so sever'd, and put into his hands by His Excellency this Declarant said May it please Y^r Excell^y as I am the Agent of the New Hampshire Committee in this Affair I now deliver the Account to Y^r Excellency in their behalf sever'd from His Majestys aforesaid Order, and thereupon offer'd to deliver it to his Excellency but he refused to take it and said he did not know what the Gov^r had to do with it at all for the Affair of the Expence lay with the Committees of both Provinces and Lastly This Declarant saith that in the aforesaid Discourse with His Excellency, His Excellency told him that he had some months before receiv'd a Copy of His Majestys aforesaid Order from England. And further this Declarant saith not.

BENJAMIN POLLARD.

BOSTON, Dec^r 30th, 1740.

BOSTON, January 12th, 1740.

Suffolk Sc.

Mr. Benjamin Pollard appearing before me the Subsc[r]iber One of His Majestys Justices of the Peace for the County aforesaid and made Oath to the truth of the above Declaration by him subscribed.

JOSHUA WINSLOW.¹

Remarks were made during the meeting by Messrs. SANBORN and HART.

¹ The paper also bears the following memorandum in pencil: "Given by Mrs. Mary Sheafe Israel to James Rindge Stanwood, March 8, 1885."

MEMOIR

OF

JOHN FISKE.

By WILLIAM ROSCOE THAYER.

JOHN FISKE died at the Hawthorne Inn, East Gloucester, Massachusetts, on July 4, 1901. He had been in his usual health until a few days previous, when a spell of great heat began to tell upon him. As his exhaustion became alarming, he was taken to Gloucester by boat on July 3, but it was too late.

John Fiske's name was originally Edmund Fiske Green, and he was born at Hartford, Connecticut, March 30, 1842, the son of Edmund Brewster and Mary (Fiske) Green. After his father's death, his name was changed to John Fiske, the name of his mother's grandfather. Mrs. Green married, in 1855, Edwin W. Stoughton, who was later American Minister to Russia. The boy's childhood and youth were spent chiefly in Middletown, Connecticut. He fitted for college at H. M. Colton's school there, at Betts Academy, Stamford, and in Cambridge with Andrew T. Bates.

From infancy he showed remarkable precocity. At seven he had read a large part of Cæsar, and was reading Rollin, Josephus, and Goldsmith's "History of Greece." Before he was nine he had read nearly all of Shakespeare, and much of Milton, Bunyan and Pope. He began Greek at nine. By eleven he had read Gibbon, Robertson and Prescott, and most of Froissart, and he wrote from memory a chronological table from B. C. 1000 to A. D. 1820, filling a quarto blank book of sixty pages. "At twelve," to quote from an account he once gave of his youth, "he had read most of the *Collectanea Graeca Majora*, by the aid of a Greek-Latin dictionary, and the next year had read the whole of Virgil, Horace, Tacitus, Sallust and Sue-

tonius, and much of Livy, Cicero, Ovid, Catullus and Juvenal. At the same time he had gone through Euclid, plane and spherical trigonometry, surveying and navigation, and analytic geometry, and was well advanced in differential calculus. At fifteen he could read Plato and Herodotus at sight, and was beginning German. Within the next year he was keeping his diary in Spanish, and was reading French, Italian, and Portuguese. He began Hebrew at seventeen, and took up Sanskrit the next year. Meanwhile he was delving also in science, getting his knowledge from books and not from the laboratory or the field. He averaged twelve hours' study daily, twelve months in the year, before he was sixteen, and afterwards nearly fifteen hours daily, working with persistent energy; yet he maintained the most robust health, and entered with enthusiasm into out-of-door life."

He joined the Sophomore Class at Harvard in 1860, and graduated with honor in 1863. Then he studied at the Law School, taking his LL.B. in 1865; he was admitted to the Suffolk bar June 11, 1864, and had an office in Boston from February 1 till October 1, 1865. While waiting for clients he read history voraciously, and soon decided to make literature his profession. As early as 1861, while he was a Junior at Harvard, he contributed to the *National Quarterly Review* an article entitled "Mr. Buckle's Fallacies," which is now included in his *Darwinism and Other Essays*. This is one of the most remarkably mature productions by a youth under twenty in English, and it gave him an immediate reputation.

Fiske soon abandoned the law to devote himself to study and writing. He was one of the earliest of his generation to explore and embrace with enthusiasm the new doctrines in science and philosophy which had the theory of evolution for their basis. Comte, Spencer and Darwin became his masters. He wrote a series of articles on Positivism which the New York *World* published and paid for, — an event which can hardly be regarded as possible in the present state of metropolitan journalism.

His first book, which was preceded by many essays in reviews, magazines and newspapers, was *Myths and Myth-Makers*, published in 1872. This was followed in 1874 by a work which at once attracted wide attention, — *Outlines of Cosmic Philosophy*, based upon a series of lectures which he had delivered

at Harvard in 1869 and 1871, and which he repeated in Boston, New York and London. It was a singularly lucid exposition of the philosophy of evolution, and won for him the intimate personal friendship of Darwin, Spencer and Huxley. After reading this book Darwin wrote to him, "I never in my life read so lucid an expositor (and therefore thinker) as you are." At about this time Fiske made a journey to England, where he had a cordial welcome from men of science and historians. He returned with reputation enhanced, and with plans for half a dozen large works in his mind. Until 1879, however, though he wrote and studied industriously, he was hovering from one subject to another. In that year his appointment as assistant librarian of the Harvard Library ceased, and he was forced to look for some other means of securing a livelihood. Fortunately Mrs. Mary Hemenway, of Boston, had conceived the idea of stimulating the patriotism of the younger generation by providing courses of popular lectures on American History, and, knowing Fiske's ability, she invited him to assist in this undertaking. Thus began the sphere of activity — American History — in which he busied himself during the rest of his life. His course of lectures in the Old South Church led to lecture engagements in all parts of the country.

The long list of Fiske's works includes *The Discovery of America*, *The Critical Period of American History*, *The Beginnings of New England*, *Civil Government in the United States*, *The War of Independence*, *The American Revolution*, *Old Virginia and her Neighbors*, *The Dutch and Quaker Colonies*, *A History of the American People*, *Outlines of Cosmic Philosophy Based on the Doctrine of Evolution*, *Myths and Myth-Makers*, *Tobacco and Alcohol*, *The Unseen World*, *Darwinism and Other Essays*, *Excursions of an Evolutionist*, *The Destiny of Man Viewed in the Light of his Origin*, *The Idea of God as Affected by Modern Knowledge*, *Through Nature to God*, *American Political Ideas Viewed from the Standpoint of Universal History*, *The Mississippi Valley in the Civil War*, *New France and New England*, and *Essays Historical and Literary*. Besides these books, he was the author of innumerable pamphlets and magazine articles, and he did an unusual amount of literary drudgery. He wrote a school history of the United States, and with J. G. Wilson he edited *Appleton's Cyclopædia of American Biography*.

At the time of his death he had engaged to write a systematic *History of America*, in eight or more volumes.

It will be seen that these works fall under three great classes of subjects, — scientific, historical and philosophical. It was as the interpreter and popularizer of the doctrines of evolution that Fiske first made his mark, and until about 1880 his most important work was done in this field. Then he turned his attention to writing history, and this was henceforth his real vocation. It is no exaggeration to say that more than any one else he helped to put an end to the time when American history was the abomination of every schoolboy, the disgust of every collegian, and the aversion of the general reader. Thanks to the charm of his style, the lucidity of his presentation, the unerringness with which he seized on facts of vital human interest, and his geniality, he lifted American history to the highest point in popular favor. He proposed to cover in his way the whole era from Columbus to the Civil War, but, like Parkman, he wrote by topics and not chronologically, going back to fill gaps as his fancy moved him. It is to be regretted that some of these gaps he left unfilled. His method was to use his chapters as lectures, a process which enabled him not only to test them critically in many moods himself, but also to observe their effect on various audiences. After he had sufficiently tested them, he cast them into final shape for printing.

This is not the place for a critical survey of Fiske's rank as a historian; but I may remark that the underestimate which some of the teachers of history made upon him during his lifetime is gradually being corrected. He suffered from the disadvantage of producing narrative history at a time when documentation and textual criticism were regarded as the proper, if not the only legitimate, province of the historian. He was master of an unusually lucid style, at a time when to write so as to interest the general cultivated reader was to incur the suspicion or even the rebuke of those who could not write, but who set the fashion in historiography. He supplied few footnotes, therefore he must be superficial. He was "popular," therefore he could be no scholar: for "popularity" was the final reach of turpitude.

During the past decade, however, a more liberal view of historical writing has gradually come in, until now it is possible

to do justice to John Fiske's remarkable talents and achievement. As a clear and magnetic narrator he had no superior among his American contemporaries, most of whom followed German models while his were French. The piecemeal character of his writing, which resulted in his treating American history by topics or sections instead of chronologically, inevitably deprived the collected volumes of that fused and consistent quality which belongs to the masterpieces. On the other hand, the fact that each section forms an independent whole has assured to it a much wider reading.

More than a dozen years before he died, Fiske gave this account of his historical undertaking: "When John Richard Green was planning his *Short History of the English People*, and he and I were friends in London, I heard him telling about his scheme. I thought it would be a very nice thing to do something of the same sort for American history. But when I took it up I found myself, instead of carrying it out in that way, dwelling upon special points; and insensibly, without any volition on my part, I suppose, it has been rather taking the shape of separate monographs." The writer (presumably Horace E. Scudder) of the brief biographical sketch of Fiske (prefixed to his *War of Independence*), from which this and other facts in this sketch are borrowed, adds that it was the preparation of six lectures on American History, delivered in 1879 at the Old South Meeting House, Boston, that finally determined him to pursue this subject. Of his way of mastering a historical theme, he said: "I look it up or investigate it, and then write an essay or a lecture on the subject. That serves as a preliminary statement, either of a large subject or of special points. It is a help to me to make a statement of the kind — I mean in the lecture or essay form. In fact, it always assists me to try to state the case. I never publish anything after this first statement, but generally keep it with me for, it may be, some years, and possibly return to it again several times."

Fiske's philosophical works — using the word in a broad sense — were the summing up of life as it appeared to his powerful mind, after experience had mellowed and reflection had formulated or corrected. So his *Idea of God*, *The Destiny of Man* and *Through Nature to God* lack the polemical and dogmatic vigor of his earlier writings on evolution, but they are rich in

wisdom, and a large spirit breathes through them, making them models of their kind.

For many years John Fiske was unquestionably the most popular lecturer on serious subjects in the United States. Year after year he delivered annually more than one hundred lectures, and he had frequently addressed equally enthusiastic audiences in Great Britain. He had lectured before the Royal Institution in London and the Philosophical Institution at Edinburgh; and in the summer of 1901 he was to deliver at Winchester, England, the chief address at the millennial celebration of Alfred the Great. His manner on the platform was simple; he had none of the arts of the elocutionist; he even lacked a sympathetic voice. And yet he held his hearers from first to last, not once only, but season after season. The cause is not far to seek, — he invariably had something to say, and he said it simply, with downright veracity, and with a lucidity which appealed to every eager mind.

John Fiske's official relations with Harvard University were desultory: he had not the temperament to work ploddingly, nor to observe the fixed hours for exercises that have to be observed in an institution whose primary object is teaching. In 1870 he was for a few months instructor in History, having previously (1869) been appointed University Lecturer for one year. From 1872 to 1879 he was assistant librarian, bridging the critical period in the development of the Harvard Library during the last part of Sibley's régime and the beginning of Justin Winsor's. From 1895 to 1897 he was again a lecturer on a special appointment, and it was during one of these winters that he delivered his course on the "Mississippi Valley in the Civil War." His last public service to the University was when, a few months before his death, he gave the Ingersoll Lecture on Human Immortality. He was Overseer from 1879 to 1891, and was elected a third time in 1899. In 1884 he was made non-resident professor of American History in Washington University, St. Louis, Missouri, an appointment which involved the delivery of a course of lectures each year, but which left him otherwise greater freedom than most professors enjoy. Harvard conferred the degree of Doctor of Laws on him in 1894, and in the same year the University of Pennsylvania made him a Doctor of Letters. He was a member of the Massachusetts

Historical Society, a Fellow of the American Academy of Arts and Sciences, and an active or a corresponding member of many other societies.

We may safely say that no other American man of letters, or indeed scholar, has equalled Fiske in the variety of his learning and in his mastery of it. Merely as a linguist, his attainments were extraordinary; besides English, he used Greek, Latin, French, Spanish, Portuguese, Italian, German, Dutch, Danish, Swedish, Icelandic, Gothic, Roumanian, Russian, Hebrew, Chaldee and Sanskrit. His reading embraced not only a vast number of historical works, but the best works in all literatures, ancient and modern. He had explored the great currents of philosophy, and he had what men of letters have usually lacked, a real talent for science, whether as an investigator, a generalizer or an interpreter. His own contribution to the theory of evolution — the demonstration of the importance of the prolongation of infancy in the human young — showed his ability as a discoverer in science. He was a prodigious worker, but not a worker by schedule. On occasion, he would write ten or twelve hours at a sitting. A lover of music, he sang, and played both the piano and the violin. When he was fifteen without a master he learned to play on the piano such a work as Mozart's Twelfth Mass; later he studied the science of music, and composed a mass and songs. He delighted in amateur gardening.

In 1884 Fiske replied characteristically as follows to an inquirer regarding his methods of work:

I am forty-two years old, six feet in height, girth of chest forty-six inches, waist forty-four inches, head twenty-four inches, neck eighteen inches, arm sixteen inches, weight two hundred and forty pounds, complexion florid, hair auburn, beard red. Am alert and active, appetite voracious, sleep sound. I work by day or night indifferently. My method, like General Grant's, is to "keep hammering." I sometimes make an outline first. Scarcely ever change a word once written. Very seldom taste coffee or wine, or smoke a cigar. But I drink beer freely (two or three quarts daily for the past twenty-four years), and smoke tobacco in a meerschaum pipe nearly all the time when at work. Have been in the habit of working from twelve to fifteen hours daily since I was twelve years old. Never have a headache, or physical discomfort of any sort. I prefer to work in a cold room, 55° to 60° F. Always sit in a draft when I can find one. Wear the thinnest clothes I can find, both in winter

and summer. Catch cold once in three or four years, but not severely. Never experienced the feeling of disinclination for work, and therefore have never had to force myself. If I feel at all dull when at work, I restore myself by a half-hour at the piano.¹

Even in so brief a sketch as this, mention should be made of two of Fiske's marked characteristics — his approachableness and his devotion to his friends. He was hail-fellow-well-met with everybody, but most of all with children. His friendships included not only distinguished men, like Huxley and Parkman, both of whom he commemorated in beautiful essays, but others less celebrated but not less dear, like Professor Youmans, whose biography he wrote, and cronies to whom he dedicated many of his books.

In stature John Fiske was tall, fully six feet, and after forty he grew so stout, weighing nearly 300 pounds, that he tersely described his dimensions as "72 × 56 inches." Of light complexion, with curly reddish beard and grizzled hair, his large spectacles and not mobile features suggested the stolid German professor; but a few minutes' conversation revealed him as he was, — responsive, penetrating, almost boyish in his frankness, the least self-conscious of celebrities, the most unpedantic of great scholars. He took a deep interest in public affairs, although he never participated in them. By temperament an independent and a liberal, he joined the Mugwump seceders in 1884. Toward the end of his life he accepted the presidency of the Anti-Immigration League, because he felt that we had gone too far in admitting undesirable foreigners to the United States. Although he disapproved of the Spanish War, he acquiesced in its results; at least he detached himself from the Anti-Imperialists, with whom he had first sympathized.

On September 4, 1864, Fiske married Miss Abby M. Brooks, of Petersham, by whom he had six children. For many years his home was at No. 22 Berkeley Street, Cambridge; he usually spent his summers at Petersham, and there he is buried.

¹ This letter, dated July 19, 1884, was written to Dr. H. Erichsen. The original is in the collection of Grenville H. Norcross.